TRANSCRIPT OF RECORD

UNITED STATES

COURT OF APPEALS

FOR THE FIFTH CIRCUIT

NO._____

HUEY P. MEAUX AND
CHARLIE BOOTH

APPELLANTS

-VERSUS-

UNITED STATES OF AMERICA

APPELLEE

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF TEXAS

VOLUME I

(ORIGINAL RECORD RECEIVED_____, 19_____.)

TABLE OF CONTENTS

PAGE NO.

VOLUME I

JANUARY 16, 1967 - MORNING SESSION..... 3

LYNDA ANN PUCKETT
DIRECT EXAMINATION BY MR. APPLEWHITE..... 17

JANUARY 16, 1967 - AFTERNOON SESSION..... 36

LYNDA ANN PUCKETT (CONTINUED)
CROSS EXAMINATION BY MR. MUCH..... 57

JANUARY 17, 1967 - MORNING SESSION.....170

LYNDA ANN PUCKETT (CONTINUED)
REDIRECT EXAMINATION BY MR. APPLEWHITE.....205
RECROSS EXAMINATION BY MR. MUCH.....215

MRS. BRIAN MCKEE
DIRECT EXAMINATION BY MR. APPLEWHITE.....220
CROSS EXAMINATION BY MR. MUCH.....224

K. D. HURLEY
DIRECT EXAMINATION BY MR. APPLEWHITE.....227
CROSS EXAMINATION BY MR. MUCH.....236

CHARLIE BOOTH
DIRECT EXAMINATION BY MR. MUCH.....247

JANUARY 17, 1967 - AFTERNOON SESSION.....258

CHARLIE BOOTH (CONTINUED)
VOIR DIRE EXAMINATION BY MR. APPLEWHITE.....285
DIRECT EXAMINATION BY MR. MUCH (RESUMED)....286
CROSS EXAMINATION BY MR. APPLEWHITE.....324
REDIRECT EXAMINATION BY MR. MUCH.....348
RECROSS EXAMINATION BY MR. APPLEWHITE.....354

PAGE NO.

RUSS REGAN
DIRECT EXAMINATION BY MR. MUCH.....357
CROSS EXAMINATION BY MR. APPLEWHITE.....368

VOLUME II

JANUARY 18, 1967 - MORNING SESSION.....374

RUSS REGAN (CONTINUED)
REDIRECT EXAMINATION BY MR. MUCH.....391
RECROSS EXAMINATION BY MR. APPLEWHITE.....396

MARY PEARL SMITH
DIRECT EXAMINATION BY MR. MUCH.....398

MARY LEAH BROCKSTEIN
DIRECT EXAMINATION BY MR. MUCH.....409
CROSS EXAMINATION BY MR. APPLEWHITE.....417
REDIRECT EXAMINATION BY MR. MUCH.....421
RECROSS EXAMINATION BY MR. APPLEWHITE.....423

MARYLIN VON STEIGER
DIRECT EXAMINATION BY MR. MUCH.....426
CROSS EXAMINATION BY MR. HARTMAN.....451

HUEY MEAUX
DIRECT EXAMINATION BY MR. MUCH.....455

JANUARY 18, 1967 - AFTERNOON SESSION.....477

HUEY MEAUX (CONTINUED)
CROSS EXAMINATION BY MR. APPLEWHITE.....498
REDIRECT EXAMINATION BY MR. MUCH.....518
RECROSS EXAMINATION BY MR. APPLEWHITE.....521

MARYLIN VON STEIGER (RECALLED)
DIRECT EXAMINATION BY MR. MUCH.....525
CROSS EXAMINATION BY MR. HARTMAN.....528

LYNDA SUSAN PERRY
DIRECT EXAMINATION BY MR. APPLEWHITE.....531

TOMMY BERGEN
DIRECT EXAMINATION BY MR. APPLEWHITE.....541
CROSS EXAMINATION BY MR. MUCH.....584

PAGE NO.

JANUARY 19, 1967 - MORNING SESSION.....604

TOMMY BERGEN (CONTINUED)
REDIRECT EXAMINATION BY MR. APPLEWHITE.....688

JANUARY 19, 1967 - AFTERNOON SESSION.....703

TOMMY BERGEN (CONTINUED)
RECROSS EXAMINATION BY MR. MUCH.....703

JANUARY 20, 1967 - MORNING SESSION.....732

ARGUMENTS
MR. HARTMAN.....732
MR. MUCH.....754
MR. APPLEWHITE.....790

CHARGE OF THE COURT.....800

VERDICT.....820

SENTENCING.....824

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA, PLAINTIFF VS. HUEY P. MEAUX AND CHARLIE BOOTH, DEFENDANTS	C.A. NO. 66-H-204

I, RONALD GOODALE, OFFICIAL SHORTHAND REPORTER FOR THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND COMPLETE TRANSCRIPT OF THE PROCEEDINGS HAD IN THE ABOVE STYLED AND NUMBERED CAUSE, BEFORE HIS HONOR, ALLEN B. HANNAY, JUDGE OF THE SAID COURT.

WITNESS MY OFFICIAL HAND AT MY OFFICE IN HOUSTON, HARRIS COUNTY, TEXAS, IN SAID DISTRICT AND DIVISION ON THIS THE_____DAY OF_____, 1967.

_____

RONALD GOODALE
OFFICIAL COURT REPORTER

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA, PLAINTIFF VS. HUEY P. MEAUX AND CHARLIE BOOTH, DEFENDANTS	C.A. NO. 66-H-204

TRANSCRIPT OF PROCEEDINGS IN TRIAL OF THE ABOVE STYLED CAUSE HEARD IN UNITED STATES DISTRICT COURT NO. 4 BEFORE HONORABLE ALLEN B. HANNAY, JUDGE OF SAID COURT, COMMENCING AT OR ABOUT THE HOUR OF 10:00 A.M. O'CLOCK, JANUARY 16, 1967.

A P P E A R A N C E S

ASSISTANT UNITED STATES ATTORNEYS
T. GERALD APPLEWHITE AND FRED L. HARTMAN

ON BEHALF OF THE PLAINTIFF

MR. FRED MUCH

ON BEHALF OF THE DEFENDANTS

JANUARY 16, 1967

MORNING SESSION

10:00 A.M. O'CLOCK

THE COURT: PLEASE BE SEATED, EVERYONE.

MR. MUCH: YOUR HONOR, MAY I APPROACH THE BENCH BEFORE YOU BEGIN?

THE COURT: YES.

(AT THE BENCH)

MR. MUCH: YOUR HONOR, ON BEHALF OF THE DEFENDANTS BOOTH AND MEAUX, I MOVE TO ASK LEAVE TO HAVE ASSOCIATED WITH ME, ESPECIALLY APPEARING IN THIS CAUSE, MR. WILLIAM H. SCOTT, JR.

DURING THE TIME I WAS IN THE HOSPITAL AND UNABLE TO INVESTIGATE THIS CASE LAST FALL, HE DID ASSIST ME IN TAKING STATEMENTS AND HE IS MUCH MORE VERSED THAN I AM IN CERTAIN PARTS OF THE BACKGROUND AND EVIDENCE THAT I WILL NEED TO PRODUCE, AND ALSO, HE IS EXPERIENCED IN TRIALS BEFORE THIS COURT SO I ASK LEAVE TO HAVE HIM ASSOCIATED WITH ME ON BEHALF OF MR. BOOTH.

THE COURT: COME AROUND, MR. SCOTT.

I'M NOT FAMILIAR WITH THE STATUS OF HIS

STANDING IN THIS COURT.

MR. MUCH: I CAN TELL YOU, MR. SCOTT, AFTER SOME LITIGATION THAT TOOK PLACE A COUPLE OF YEARS AGO, RESIGNED FROM THIS BAR, AND THAT IS THE STATUS. IT WAS A VOLUNTARY RESIGNATION AND HE HAS NOT SINCE APPEARED, AS FAR AS I KNOW.

THE COURT: IS JUDGE CONNALLY IN TOWN?

WAS THAT BEFORE JUDGE CONNALLY?

SUPPOSE THAT YOU GO TO JUDGE CONNALLY -- HE'S THE ONE THAT HANDLED IT. I'M NOT FAMILIAR WITH IT AT ALL.

MR. MUCH: I'M ONLY ASKING FOR LEAVE TO HAVE HIM SPECIALLY STAND --

THE COURT: I KNOW WHAT YOU'RE ASKING AND I WISH YOU HAD CHECKED WITH JUDGE CONNALLY.

MR. MUCH: IT DIDN'T OCCUR TO ME THAT ANYONE WOULD RULE ON IT BUT YOU, OR I WOULD HAVE.

THE COURT: WELL, IT SHOULD HAVE OCCURRED TO YOU, WHETHER IT DID OR NOT.

SUPPOSE THE TWO OF YOU GO ALONG AND SEE JUDGE CONNALLY RIGHT NOW.

MR. MUCH: ALL RIGHT, SIR.

THANK YOU, SIR.

(SHORT RECESS)

(AT 10:24 A.M. COURT RECONVENED.)

MR. MUCH: MAY WE APPROACH THE COURT?

THE COURT: YES.

MR. MUCH: YOUR HONOR, JUDGE HANNAY --

THE COURT: JUDGE WHO?

MR. MUCH: ON YOUR INSTRUCTIONS, WE HAVE APPROACHED JUDGE CONNALLY AND HE HAS STATED THAT HIS RECOLLECTION WAS, SUBJECT TO THE CLERK'S RECORDS CHECK, THAT MR. SCOTT HAD RESIGNED FROM THE BAR OF THIS COURT, BUT THAT HE HAD NO OTHER INTEREST IN THE MATTER, THAT IT WAS UP TO YOU, FOR YOUR DECISION.

I UNDERSTAND THE GOVERNMENT'S ATTORNEYS DO NOT OPPOSE THIS SPECIAL APPEARANCE.

THE COURT: WELL, HERE IS THE SITUATION THAT GIVES ME PAUSE, I SAT ON THE CASE INVOLVING A SITUATION IN EL PASO WHERE A LAWYER WAS REPRESENTING THE DEFENDANT AND HE HADHAD SOME TROUBLE IN THE COURTS AND IT WILL BE NECESSARY TO ASK THIS PANEL WHETHER OR NOT THEY HAD ANY KNOWLEDGE ABOUT THIS FORMER DIFFICULTY AND THAT SORT OF THING.

MR. MUCH: I HAVE NO OBJECTION, NO OBJECTION IF THAT IS ASKED, IF THE COURT SEES FIT TO ASK IT.

THE COURT: WELL, IT WOULD BE THE ONLY WAY WE COULD FIND OUT AND HAVE THE DEFENDANTS THEMSELVES BOTH --

MR. MUCH: -- OH, YES, THEY ARE ACUTELY --

THE COURT: -- HAVE THEM WAIVE ANY POSSIBLE PREJUDICE --

MR. MUCH: IT'S AT THEIR REQUEST THAT HE IS ASSOCIATED WITH ME, PARTICULARLY MR. BOOTH, AND I MIGHT ADD THAT THE REASON I BROUGHT IT UP AT THIS TIME IS THAT I REALIZED THAT IT WAS ONLY FAIR TO THE COURT FOR ME TO ACQUAINT YOU WITH THE --

THE COURT: IT WAS ONLY FAIR TO THE COURT TO BRING IT UP BEFORE TODAY.

MR. MUCH: IT WAS ONLY FOR THE QUESTION OF BEFORE THE VOIR DIRE.

MR. HARTMAN: I THINK, FOR THE RECORD, WE OUGHT TO GET IN, WE RECOGNIZE IT IS IN YOUR DISCRETION TO MAKE THIS RULING AND THAT'S WHY WE DON'T OPPOSE IT.

JUDGE CONNALLY STATED THIS MAN HAD RESIGNED, HAD BEEN REMOVED FROM PRACTICE HERE AND IF YOU WANTED TO MAKE AN EXCEPTION, THE AUTHORITY WAS YOURS TO DO SO AND THAT IS THE WAY HE LEFT IT, IS THAT RIGHT, MR. APPLEWHITE?

MR. APPLEWHITE: YES.

MR. MUCH: I THINK THAT'S CORRECT.

THE COURT: IS HE OFF THE BENCH?

MR. MUCH: NO, HE WAS ENGAGED IN WHAT WHAT APPEARED TO BE AN INTERSTATE COMMERCE HEARING.

THE COURT: WAS IT JURY?

MR. MUCH: NON-JURY.

THE COURT: WELL, I'LL GO SPEAK TO HIM AND SEE WHAT HIS THINKING IS AND I'LL BE BACK.

(SHORT STANDBY DELAY.)

(THE JUDGE RETURNED TO THE BENCH.)

THE COURT: I HAVE DISCUSSED THE MATTER WITH JUDGE CONNALLY AND I WON'T PERMIT MR. SCOTT TO TRY THE CASE.

MR. MUCH: YOUR HONOR, AS IS OFTEN THE CASE IN TRIALS BEFORE THIS COURT, AND OTHERS, EITHER SIDE IS ALLOWED SOMETIMES TO HAVE AN EXPERT SIMPLY TO ADVISE --

THE COURT: NO, I WOULDN'T WANT HIM INSIDE HERE AT ALL. HE IS NOT A MEMBER OF THE BAR, AND WHEN HE RESIGNED, WHY, HE RESIGNED, PERIOD.

CRIMINAL ACTION NO. 66-H-204, UNITED STATES OF AMERICA VERSUS TOMMY BERGEN, III, HUEY P. MEAUX, CHARLIE BOOTH AND PETER GARRIS -- I BELIEVE THAT HAS BEEN SEVERED AS TO MR. PETER GARRIS.

WHAT IS THE SITUATION WITH REFERENCE TO MR. TOMMY BERGEN, III? IS IT SEVERED AS TO HIM?

MR. MUCH: YES.

THE COURT: ALL RIGHT, THEN, THE ONLY CASE IS AGAINST HUEY P. MEAUX, M-E-A-U-X AND CHARLIE BOOTH.

WHAT SAYS THE GOVERNMENT?

MR. APPLEWHITE: THE GOVERNMENT IS READY, YOUR HONOR.

THE COURT: WHAT SAYS THE DEFENDANTS?

MR. MUCH: THE DEFENDANTS MEAUX AND BOOTH ARE READY.

THE COURT: ARE THEY PRESENT?

MR. MUCH: YES.

MR. RICHARD VAUGHAN: MR. BERGEN IS READY, YOUR HONOR, WE'RE GOING TO --

THE COURT: ARE YOU MR. BERGEN?

MR. VAUGHN: NO, I'M DICK VAUGHAN. I'M REPRESENTING MR. BERGEN.

THE COURT: IF YOU HAVE SOME MATTER WITH REFERENCE TO HIM, I WILL TAKE IT UP IN JUDGE NOEL'S COURTROOM.

COME AROUND. WE'LL GO TO JUDGE NOEL'S COURTROOM.

(WHEREUPON, ALL ATTORNEYS AND THE COMPLETE COURT STAFF ADJOURNED TO JUDGE NOEL'S COURTROOM WHERE THE FOLLOWING PROCEEDINGS WERE HAD:)

THE COURT: UNITED STATES OF AMERICA VERSUS TOMMY BERGEN, III.

WHAT IS THE SITUATION, SIR?

MR. VAUGHAN: YOUR HONOR, WE ARE GOING TO ENTER --

THE COURT: WAIT, IS THIS MR. TOMMY BERGEN, III?

MR. BERGEN: YES.

THE COURT: HAVE YOU HAD A COPY OF THE INDICTMENT IN THE CASE, MR. BERGEN?

MR. BERGEN: YES, I HAVE.

THE COURT: HAVE YOU READ IT AND UNDERSTAND IT?

MR. BERGEN: YES.

THE COURT: AND THERE IS ONE COUNT INVOLVING CONSPIRACY; AND THIS IS YOUR COUNSEL? I SHOULD KNOW YOUR NAME.

MR. VAUGHAN: YES, YOUR HONOR, RICHARD VAUGHAN.

THE COURT: RICHARD VAUGHAN?

MR. VAUGHAN: YES.

MR. BERGEN: YES.

THE COURT: -- RELATED TO THE OTHER BOY THAT USED TO BE A NEWSPAPER REPORTER HERE?

MR. VAUGHAN: NO, YOUR HONOR.

THE COURT: SAME NAME.

MR. VAUGHAN REPRESENTS YOU?

MR. BERGEN: YES.

THE COURT: AND HAVE YOU GONE OVER AND DISCUSSED THIS CASE WITH HIM?

MR. BERGEN: YES.

THE COURT: ARE YOU READY TO BE ARRAIGNED OR WANT TO BE ARRAIGNED AT THIS TIME?

MR. BERGEN: YES.

THE COURT: REARRAIGN HIM, READ EVERY WORD OF IT.

(WHEREUPON, THE INDICTMENT WAS READ IN TOTO ALOUD BY MR. APPLEWHITE.)

MR. APPLEWHITE: HOW DO YOU PLEAD TO THIS INDICTMENT, TOMMY BERGEN, GUILTY OR NOT GUILTY?

MR. BERGEN: GUILTY.

(WHEREUPON, THE DEFENDANT BERGEN WAS ADMINISTERED THE OATH BY THE CLERK OF THE COURT.)

THE COURT: MR. BERGEN, YOU HAVE HEARD THE INDICTMENT. AND YOU HAVE ENTERED A PLEA OF GUILTY, IS THAT RIGHT?

MR. BERGEN: YES.

THE COURT: DO YOU THIS WILLINGLY AND VOLUNTARILY?

MR. BERGEN: YES.

THE COURT: DO YOU DO SO OF YOUR OWN FREE WILL, WITHOUT BEING FORCED IN ANY WAY OR THREATENED IN ANY WAY?

MR. BERGEN: YES.

THE COURT: PROMISED ANYTHING AT ALL?

MR. BERGEN: SIR?

THE COURT: HAVE YOU BEEN PROMISED ANY-THING AT ALL?

MR. BERGEN: YES, I DO.

THE COURT: NO ONE HAS PROMISED YOU A LIGHT SENTENCE OR PROBATION OR ANYTHING ELSE?

MR. BERGEN: NO, SIR.

THE COURT: NOT BY ANY PERSON AT ALL, YOUR OWN LAWYER OR THE DISTRICT ATTORNEY?

MR. BERGEN: NO.

THE COURT: AND HAVE YOU BEEN ADJUDGED A PERSON OF UNSOUND MIND AT ANY TIME?

MR. BERGEN: NO, I HAVEN'T.

THE COURT: HAVE YOU EVER BEEN TREATED FOR A NERVOUS OR MENTAL DISEASE?

MR. BERGEN: NO.

THE COURT: HAVE YOU EVER SUFFERED A SEVERE HEAD INJURY IN YOUR LIFE?

MR. BERGEN: NO.

THE COURT: YOU THINK YOU KNOW WHAT YOU ARE DOING NOW AND YOU KNEW WHAT YOU WERE DOING IN AUGUST, THE THINGS THAT THE INDICTMENT ACCUSES YOU OF?

MR. BERGEN: YES, YOUR HONOR.

THE COURT: WHAT ABOUT MR. VAUGHAN, DO YOU THINK HE UNDERSTANDS IT AND THIS IS WHAT HE WANTS TO DO?

MR. VAUGHAN: I DO, YOUR HONOR. I HAVE DISCUSSED THIS WITH HIM.

THE COURT: YOU THINK THIS IS A VOLUNTARY ACT?

MR. VAUGHAN: I BELIEVE IT IS.

THE COURT: AND HE DOES IT, SO FAR AS YOU KNOW, FREELY AND VOLUNTARILY AND BECAUSE HE IS GUILTY?

MR. VAUGHAN: YES.

THE COURT: DID I ASK YOU THAT, ARE YOU ENTERING THIS PLEA OF GUILTY BECAUSE YOU ARE GUILTY AND FOR NO OTHER REASON IN THE WORLD?

MR. BERGEN: BECAUSE I'M GUILTY.

THE COURT: I'LL ACCEPT THE PLEA AS TO MR. BERGEN, III, AND YOU CAN -- ARE YOU GOING TO HANDLE IT, MR. JOHNSON, IN THE PROBATION OFFICE?

MR. JOHNSON: I'M NOT SURE.

THE COURT: WELL, I WANT SOMEBODY THAT IS SURE; ANYONE THAT STARTS OUT ON THIS THING -- WHY AREN'T YOU SURE, MR. JOHNSON?

MR. JOHNSON: WHEN WOULD YOU WANT IT, YOUR HONOR?

THE COURT: TWO WEEKS FROM NOW, BUT HOLD IT UP IF THE OTHER CASE HASN'T BEEN DECIDED.

WHY CAN'T YOU HANDLE IT? I WISH YOU WOULD TELL YOUR OFFICE, HAVE BEEN ABLE TO, BUT I DON'T LIKE ONE OF YOU COMING IN A LITTLE WHILE AND THE OTHER ONE A LITTLE. ONE OF THEM IS GOING TO SIT IN ON A CASE ALL THE WAY THROUGH, SO I WOULD LIKE FOR YOU TO STAY WITH IT ALL THE WAY THROUGH.

MR. JOHNSON: I'LL HANDLE IT, YOUR HONOR.

THE COURT: ALL RIGHT, SIR.

I'LL ACCEPT A PLEA OF GUILTY AND CONTINUE THE BOND?

THE CLERK: JUDGE, WHEN DID YOU WANT IT, JANUARY THE 27TH?

THE COURT: TENTATIVELY, YES.

THE CLERK: TENTATIVELY FOR THE 27TH.

PLEASE BE BACK IN THIS COURTROOM ON FRIDAY --

THE COURT: DO YOU WANT HIM TO STAY AROUND OR NOT?

MR. MUCH: YOUR HONOR, I DID NOT REQUEST HIM. I DON'T KNOW THAT HE IS UNDER SUBPOENA.

THE COURT: WELL, CONTINUE THE BOND.

MR. VAUGHAN: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

YOU LIVE HERE IN HOUSTON, DO YOU?

MR. BERGEN: YES.

THE COURT: LIVED HERE A LONG TIME?

MR. BERGEN: ALL MY LIFE.

THE COURT: HOW MANY YEARS?

MR. BERGEN: NINETEEN, SIR.

THE COURT: NINETEEN -- WE'LL GO BACK TO THE OTHER COURTROOM.

***

THE COURT: PLEASE BE SEATED, EVERYONE.

(WHEREUPON, A JURY WAS DULY EMPANELED AND SWORN.)

THE COURT: ALL RIGHT, READ THE INDICTMENT.

(WHEREUPON, MR. APPLEWHITE READ THE INDICTMENT TO THE JURY.)

MR. APPLEWHITE: ...SIGNED BY THE FOREMAN OF THE GRAND JURY.

HOW DO YOU PLEAD TO THIS INDICTMENT, HUEY MEAUX AND CHARLIE BOOTH, GUILTY OR NOT GUILTY?

MR. MEAUX: NOT GUILTY.

MR. BOOTH: NOT GUILTY.

THE CLERK: ALL THE WITNESSES IN THIS CASE, PLEASE STAND AND RAISE YOUR RIGHT HANDS AND BE SWORN.

MR. APPLEWHITE: YOUR HONOR, WE MAY HAVE SOME WITNESSES IN THE WITNESS ROOM, IF I MAY GET THEM.

THE CLERK: GO GET THEM.

ALL WITNESSES, PLEASE STAND AND RAISE YOUR RIGHT HANDS AND BE SWORN.

(THE WITNESSES WERE SWORN.)

THE CLERK: CALL YOUR FIRST WITNESS.

MR. APPLEWHITE: LYNDA ANN PUCKETT.

THE COURT: ALL RIGHT.

MR. MUCH: AT THIS POINT, YOUR HONOR, I WOULD LIKE TO INVOKE THE WITNESS RULE.

THE COURT: WITNESSES, IN THIS CASE THE

RULE HAS BEEN INVOKED. THAT SIMPLY MEANS THAT ALL THE WITNESSES EXCEPT THE ONE THAT IS PRESENTLY ON THE WITNESS STAND MUST RETIRE FROM THE PRESENCE AND HEARING OF THE COURT AND STAY OUTSIDE IN THE NEAR VICINITY OF THIS COURT-ROOM UNTIL YOU ARE CALLED, IF YOU ARE CALLED, AS A WITNESS, AND, IN THE MEANTIME, YOU MUST NOT DISCUSS THIS CASE AMONG YOURSELVES OR ALLOW ANYBODY TO DISCUSS IT IN YOUR PRESENCE OR HEARING EXCEPT THE ATTORNEYS IN THE CASE, AND EVEN THEN, NOT IN THE PRESENCE OF ANY OTHER WITNESS. SO ABIDE BY THOSE INSTRUCTIONS DURING THE ENTIRE TRIAL OF THIS CASE.

THE BALANCE DEPART, EXCEPT FOR THE WITNESS NOW ON THE WITNESS STAND.

THE CLERK: ANY OTHER WITNESSES LEFT NOW IN THE COURTROOM?

(NO RESPONSE)

THE COURT: ALL RIGHT, PROCEED, GENTLE-MEN.

LYNDA ANN PUCKETT,

CALLED AS A WITNESS ON BEHALF OF THE PLAINTIFF, HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS IN ANSWER TO QUESTIONS PROPOUNDED TO HER BY COUNSEL:

DIRECT EXAMINATION

BY MR. APPLEWHITE:

Q WILL YOU STATE YOUR NAME FOR THE COURT AND JURY, PLEASE?

A LYNDA ANN PUCKETT.

Q HOW OLD ARE YOU, MISS PUCKETT?

A SEVENTEEN.

Q ARE YOU PRESENTLY IN SCHOOL OR ARE YOU WORKING?

A I'M WORKING AT OSHMAN'S.

Q AND WHAT DO YOU DO FOR OSHMAN'S?

A I'M A SALESLADY IN LADIES SPORTSWEAR.

Q ALL RIGHT. HAVE YOU AT ANY TIME ATTENDED SCHOOL?

A YES, SIR.

Q AND WHERE WAS THAT?

A BELLAIRE HIGH SCHOOL.

Q AND HOW FAR IN SCHOOL DID YOU GO AT BELLAIRE?

A I'M A LOW JUNIOR CLASSIFICATION RIGHT NOW.

THE COURT: SPEAK A LITTLE LOUDER, PLEASE, MA'AM.

A I'M A LOW JUNIOR CLASSIFICATION.

Q ARE YOU LIVING AT HOME?

A YES, SIR.

Q WITH YOUR MOTHER OR FATHER?

A WITH MY MOTHER.

Q AND ARE YOUR PARENTS LIVING TOGETHER OR ARE THEY SEPARATED?

A MY PARENTS ARE SEPARATED.

Q DO YOU KNOW THE DEFENDANTS IN THIS CASE, HUEY P. MEAUX AND CHARLIE BOOTH?

A YES, SIR.

Q DO YOU ALSO KNOW THE OTHER MEN THAT WERE CHARGED WITH THEM WHO ARE NOT ON TRIAL TODAY, TOMMY BERGEN, III AND PETER GARRIS?

A YES.

Q NOW, OF THESE FOUR MEN, WHO DID YOU MEET FIRST?

A TOMMY BERGEN.

Q ALL RIGHT. AND WHERE DID YOU MEET TOMMY BERGEN?

A THROUGH A FRIEND OF MINE, BARRIE BROCKSTEIN.

Q DO YOU REMEMBER WHEN THIS WAS?

A IT WAS ABOUT AUGUST THE 25TH, 1965.

Q IN THE LATTER PART OF AUGUST?

A YES, SIR.

Q ALL RIGHT. DO YOU REMEMBER HOW YOU CAN REMEMBER THAT SPECIFIC DATE?

A WELL, SHE, BARRIE CALLED HIM UP THE NIGHT BEFORE AND

TOLD HIM TO COME OVER THE NEXT DAY, SO HE CAME OVER.

Q WELL, WAS IT ANYBODY'S BIRTHDAY?

A YES, IT WAS BARRIE'S BIRTHDAY, HER BIRTHDAY WAS ON THE 24TH.

Q NOW, AFTER YOU MET TOMMY BERGEN, DO YOU REMEMBER WHERE HE WAS WORKING AT THIS TIME?

A HE WAS WORKING AT KILT AND AT NEWBERRY'S.

Q DO YOU KNOW WHAT HE WAS DOING FOR KILT?

A HE WAS JUST AN ODD, HE WAS JUST DOING ODD JOBS, YOU KNOW.

Q WAS HE WORKING WITH THE DISK JOCKEYS AND SO FORTH?

A HE WAS WORKING WITH RUSS KNIGHT, HE WAS MORE OR LESS LIKE AN OFFICE BOY.

Q ALL RIGHT, AND DOES RUSS KNIGHT HAVE ANOTHER NAME THAT HE GOES BY OVER THE AIR?

A YEAH, HE GOES BY WEIRD BEARD OVER THE AIR.

Q HE GOES BY WEIRD BEARD OVER THE AIR?

A YES.

Q AND AFTER YOU MET TOMMY, DID YOU AT ANY TIME START GOING OVER TO THE RADIO STATION?

A YES, SIR.

Q IN PARTICULAR, KILT?

A YES, SIR.

Q AND DID YOU MEET WEIRD BEARD?

A YES, SIR.

Q DID YOU BEGIN WORKING WITH WEIRD BEARD IN ANY WAY OR HELPING HIM?

A YEAH, I SORTED OUT FAN MAIL FOR HIM.

Q NOW, THIS IS THE SUMMER OF '65 WE'RE SPEAKING OF?

A YES, SIR.

Q AND, AT THIS TIME, HOW OLD WERE YOU, LYNDA?

A FIFTEEN.

Q FIFTEEN?

A UH-HUH.

Q ALL RIGHT. WHILE YOU WERE THERE AT THE RADIO STATION, WOULD THERE BE MANY OTHER GIRLS THIS AGE THAT WOULD COME TO THE STATION?

A YES, SIR.

Q AND WOULD THE GIRLS GO OVER TO THE STATION FOR?

A MOSTLY TO TALK TO RUSS KNIGHT.

Q DO GIRLS THAT AGE JUST ENJOY TALKING TO DISK JOCKEYS, IS THAT THE REASON THEY GO OVER THERE?

A YES, SIR.

Q THEY LIKE TO HEAR THE RECORDS PLAY?

A NO, THEY LIKE TO GO OVER THERE AND SEE IF THEY CAN GET ON THE AIR.

Q ON OR ABOUT AUGUST THE 25TH OF 1965, DID YOU TALK WITH TOMMY CONCERNING A TRIP SOMEWHERE?

A YES, SIR.

Q TOMMY BERGEN, I'M SPEAKING OF.

A YES, SIR.

Q ALL RIGHT. NOW, THE FIRST TIME IT WAS MENTIONED, WAS THE TRIP DESIGNATED WHERE YOU WOULD GO TO, OR ANYTHING LIKE THAT?

A NO, SIR.

Q ALL RIGHT. DID YOU LATER TALK WITH TOMMY ABOUT SUCH A TRIP?

A YES, SIR, IT WAS TO NASHVILLE, TENNESSEE FOR A CONVENTION OF COUNTRY MUSIC.

Q FOR A CONVENTION OF COUNTRY MUSIC?

A YES, SIR.

Q NOW, AT THIS TIME, WHEN TOMMY TALKED TO YOU, WAS THIS THE FIRST TIME THAT YOU HAD MET TOMMY OR THE DAY AFTER?

A WHEN WE TALKED ABOUT NASHVILLE, OR JUST ABOUT A TRIP?

Q NO, WHEN YOU TALKED ABOUT THE TRIP TO NASHVILLE.

A THIS WAS ABOUT SEPTEMBER THE 17TH, OR SO.

Q ALL RIGHT, AND HAD YOU SEEN TOMMY SEVERAL TIMES IN BETWEEN THE FIRST TIME YOU MET, ON SEPTEMBER THE 17TH, OF 1965?

A YES, SIR.

Q ALL RIGHT, SIR. DID TOMMY AT THIS TIME GO INTO THE DETAILS OF THE TRIP?

A NOT TOO MUCH SO, HE SAID THAT WE WOULD BE GOING TO NASHVILLE AND I WOULD BE A PROMOTION ASSISTANT FOR TOMMY AND HUEY MEAUX AND CHARLIE BOOTH.

Q ALL RIGHT. AT THIS TIME, DID TOMMY HAVE A COMPANY OF HIS OWN?

A NO, SIR.

Q OF ANY KIND?

A NO, I DON'T BELIEVE HE DID.

Q AND HAD YOU BEEN DATING TOMMY FROM THE TIME YOU MET HIM UP UNTIL SEPTEMBER THE 17TH?

A NOT REALLY, I WENT TO A SHOW WITH HIM ONCE.

Q ALL RIGHT. HAD YOU BEEN SEEING HIM SOME?

A YES, SIR.

Q AT THE RADIO STATION?

A YES, SIR.

Q NOW, WHEN DID YOU FIRST MEET HUEY MEAUX, THE DEFENDANT IN THIS CASE?

A ABOUT RIGHT AROUND THE MIDDLE OF SEPTEMBER OF '65.

Q AND WOULD YOU POINT OUT HUEY MEAUX TO THE JURY, WHICH ONE DO YOU IDENTIFY HIM AS BEING?

A HE'S THE MAN IN THE MIDDLE AT THAT TABLE OVER THERE (INDICATING).

Q HOW DID YOU MEET HUEY MEAUX?

A TOMMY BERGEN TOOK ME OUT TO THE MUSIC BUILDING AT 227 STERLING IN PASADENA.

Q IS THAT WHERE MR. MEAUX HAD HIS OFFICE?

A YES, SIR.

Q DO YOU KNOW WHERE CHARLIE BOOTH HAD HIS OFFICE?

A IT WAS IN THE SAME BUILDING.

Q DO YOU REMEMBER THE FIRST TIME THAT YOU MET HUEY MEAUX, WHO INTRODUCED YOU TO HIM?

A TOMMY BERGEN DID.

Q DO YOU REMEMBER IF CHARLIE BOOTH WAS THERE?

A HE WAS PRESENT.

Q DO YOU REMEMBER WHEN THIS WAS?

A IT WAS MID-SEPTEMBER '65.

Q SOME TIME IN SEPTEMBER OF 1965?

A YES, SIR.

Q DO YOU REMEMBER HOW YOU MET HIM, WHY YOU WENT OVER THERE TO THE MUSIC BUILDING OR ANYTHING LIKE THAT?

A WELL, TOMMY HAD TO M.C. A SHOW AND THERE WAS A DANCE ACROSS THE STREET AND I WAS THERE, I WENT WITH TOMMY THERE, AND THEN, AFTERWARD WE WENT TO THE MUSIC BUILDING AND HE INTRODUCED ME AND I GUESS THE PRIMARY REASON WE WENT WAS TO TALK ABOUT THE TRIP TO NASHVILLE.

MR. MUCH: I'M GOING TO ASK THAT THAT PORTION OF THE STATEMENT IN WHICH SHE GUESSES THE MOTIVE BE STRICKEN, IT'S OBVIOUSLY CONCLUSION AND OPINION.

THE COURT: ALL RIGHT, DISREGARD IT, MEMBERS OF THE JURY.

Q (BY MR. APPLEWHITE) WELL, ON OR ABOUT SEPTEMBER THE 17TH OF 1965, DID YOU TALK WITH HUEY MEAUX CONCERNING

A TRIP?

A YES, SIR.

Q AND WHERE WAS THIS, WHERE DID THIS CONVERSATION TAKE PLACE?

A IN HIS OFFICE AT THE MUSIC BUILDING.

Q NOW, WAS THIS THE FIRST TIME THAT YOU HAD MET MR. MEAUX?

A YES, SIR.

Q ALL RIGHT, AND THIS WAS AFTER TOMMY HAD BEEN M.C.-ING SOME DANCE OR SOMETHING?

A YES.

Q DO YOU REMEMBER WHO WAS PRESENT WHEN YOU HAD THE CONVERSATION WITH HUEY MEAUX?

A CHARLIE BOOTH AND TOMMY BERGEN AND HUEY MEAUX.

Q AND, DO YOU REMEMBER, WERE ANY OF THE DETAILS OF THE TRIP TO NASHVILLE DISCUSSED AT THIS TIME?

A YES, SIR.

Q WHAT WAS SAID? WHAT WAS THE GIST OF THE CONVERSATION, AS BEST YOU CAN REMEMBER?

A THEY SAID THAT THE ROOMS WERE ALREADY RESERVED AND I WOULD BE GOING UP THERE AS A PROMOTION ASSISTANT FOR THEM AND THAT I WOULD BE A SALARIED EMPLOYEE AND I WOULD MAKE, I WOULD AVERAGE ABOUT A HUNDRED DOLLARS A NIGHT WHILE I WAS THERE.

Q THIS WAS ON THE 17TH, SEPTEMBER THE 17TH OF '65?

A YES, SIR.

Q DID YOU HAVE ANOTHER CONVERSATION WITH HUEY MEAUX ON OCTOBER THE 11TH OF '65?

A YES, SIR.

Q NOW, WAS THAT IN PASADENA, TEXAS?

A YES, SIR.

Q DO YOU REMEMBER WHO WAS PRESENT AT THAT TIME?

A TOMMY BERGEN AND HUEY MEAUX AND CHARLIE BOOTH.

Q DO YOU REMEMBER WHAT WAS DISCUSSED IN THAT CONVERSATION?

A THEY TALKED ABOUT A CONTRACT THAT THEY WOULD MAKE UP FOR ME IN CASE ANYONE ASKED ANY QUESTIONS.

Q WILL YOU TELL THE JURY WHAT THEY MEANT BY A CONTRACT?

MR. MUCH: I OBJECT AS TO WHAT THEY MEANT, THE CONVERSATION ITSELF WOULD BE THE BEST EVIDENCE.

THE COURT: THAT'S RIGHT, SUSTAINED.

MR. APPLEWHITE: I WITHDRAW THAT.

Q (BY MR. APPLEWHITE) WHAT DID THEY TELL YOU ABOUT THE CONTRACT, LYNDA?

A IT WAS A CONTRACT SAYING THAT I WAS GOING UP --

MR. MUCH: YOUR HONOR, THE CONTRACT ITSELF WOULD BE THE BEST EVIDENCE OF WHAT IT SAYS.

THE COURT: DO YOU HAVE SUCH A CONTRACT?

DID THEY MAKE UP THE CONTRACT?

THE WITNESS: YES, SIR.

THE COURT: DO YOU HAVE A COPY OF IT?

THE WITNESS: NO, THEY TOOK IT --

THE COURT: GO AHEAD.

THE WITNESS: IT SAID THAT I WAS GOING UP TO NASHVILLE TO MAKE SOME RECORDS FOR THE MUSIC --

Q (BY MR. APPLEWHITE) WHO TALKED TO YOU ABOUT THE CONTRACT, WHICH ONE OF THE DEFENDANTS?

A HUEY MEAUX.

Q ALL RIGHT. NOW, HAD YOU EVER AUDITIONED IN ANY WAY?

A NO, SIR.

Q DO YOU KNOW WHAT LINE OF WORK HUEY MEAUX IS IN?

A HE MAKES RECORDS AND SELLS TAPES.

Q DID HE TELL YOU WHAT THE PURPOSE OF GOING TO NASHVILLE WAS?

A YES, SIR.

Q WHAT WAS THAT?

A TO SELL TAPES.

Q DID HE TELL YOU WHO HE WOULD SELL THESE TAPES TO?

A RECORD COMPANIES AND -- THINGS LIKE THAT.

Q NOW, AS A PROMOTIONAL ASSISTANT, IS THAT WHAT YOUR TITLE WAS GOING TO BE?

A YES, PROMOTIONAL ASSISTANT.

Q DID HE TELL YOU WHAT YOU WOULD BE REQUIRED TO DO TO FILL THIS FUNCTION?

A YES, I WOULD HAVE, IT WAS FOR PROSTITUTION, THAT'S THE WAY I WOULD BE A PROMOTIONAL ASSISTANT.

Q DID YOU NEED MONEY AT THIS TIME, LYNDA?

A YES, SIR.

Q WERE YOU WORKING?

A NO, SIR.

Q WHO TOLD YOU ABOUT WHAT YOU WOULD BE DOING IN NASHVILLE, DID ONE OF THEM OR ALL THREE OF THEM?

A ALL THREE OF THEM MENTIONED IT AT ONE TIME OR ANOTHER. TOMMY TOLD ME ABOUT IT FIRST.

Q NOW, ON BOTH OCCASIONS, ON SEPTEMBER THE 17TH OF '65 AND ON OCTOBER THE 11TH OF '65 WHEN YOU HAD CONVERSATIONS WITH HUEY MEAUX IN PASADENA, WAS THE TRIP TO NASHVILLE DISCUSSED ON BOTH OF THESE OCCASIONS?

A YES, SIR.

Q DO YOU REMEMBER IF THEY TOLD YOU HOW MUCH YOU WOULD MAKE FOR GOING UP THERE AND ENGAGING IN PROSTITUTION?

A YES, THEY SAID I WOULD AVERAGE ABOUT A HUNDRED DOLLARS A NIGHT.

Q NOW, DO YOU REMEMBER WHO SAID THIS, ONE OF THE THREE OR --

A THEY ALL SAID IT, NOT TOGETHER, BUT, YOU KNOW, SEPARATELY, DIFFERENT TIMES.

Q WHEN YOU, THE NIGHT THAT YOU FIRST, OR HAVE YOU EVER ENGAGED IN SEXUAL RELATIONS WITH HUEY MEAUX?

A YES, SIR.

Q WHEN WAS THAT?

A ON THE 17TH OF SEPTEMBER.

Q WAS THAT THE FIRST TIME THAT YOU HAD MET HUEY MEAUX?

A YES, SIR.

Q AND HOW DID THAT HAPPEN?

A TOMMY SAID, NOW, HE SAID THAT HE WAS GOING TO TRY ME OUT AND SEE IF I WOULD BE GOOD ENOUGH TO GO TO NASHVILLE.

Q AND WHO WAS THAT?

A HUEY MEAUX.

Q HAD TOMMY TALKED TO YOU ABOUT HAVING RELATIONS WITH HUEY MEAUX?

A YES, SIR.

Q AND WHAT DID TOMMY SAY IN THAT REGARD?

A HE SAID TO GO AHEAD, THAT HE COULDN'T JUST TAKE ME UP THERE WITHOUT KNOWING WHAT I WAS LIKE.

Q DID HUEY SAY THAT OR DID TOMMY SAY THAT?

A THAT HUEY COULDN'T TAKE ME UP THERE WITHOUT KNOWING WHAT I WAS LIKE.

Q AND WHERE DID YOU HAVE SEXUAL RELATIONS WITH HUEY MEAUX?

A IN HIS OFFICE AND IT WAS DON SAPP'S OFFICE.

Q WAS IT AT THE MUSIC BUILDING IN PASADENA?

A YES, SIR.

Q AND DO YOU REMEMBER THE ADDRESS, IS THAT 227 --

A 227 STERLING.

Q NOW, WHEN THEY TALKED TO YOU ABOUT GOING TO NASHVILLE FOR PROSTITUTION AND THAT YOU WOULD MAKE A HUNDRED DOLLARS A NIGHT, WAS THAT --

A A HUNDRED DOLLARS A NIGHT --

Q DID HUEY MEAUX OR CHARLIE BOOTH TELL YOU THAT TOMMY BERGEN WOULD GET A PART OF THAT?

A YES, SIR.

Q DO YOU REMEMBER HOW MUCH OF THAT SUM HE WAS TO GET?

A ONE-FOURTH OR ONE-THIRD.

Q NOW, THE CONTRACT THAT YOU SPOKE OF A MOMENT AGO, GOING BACK A LITTLE BIT, WHAT BROUGHT ABOUT THE MENTION OF THE CONTRACT?

A IT WAS IN CASE, THE CONTRACT WAS IN CASE ANY LAW ENFORCEMENT OFFICERS STOPPED US AND ASKED WHY THEY WERE TAKING ME UP TO NASHVILLE, OR WHENEVER WE WERE GOING, AND ALL THEY HAD TO DO IS SHOW THEM THE CONTRACT.

Q NOW, WHO TOLD YOU THIS, DO YOU REMEMBER WHO TOLD YOU THAT?

A CHARLIE BOOTH.

Q CHARLIE BOOTH?

A YES, SIR.

Q AND DID YOU EVER ACTUALLY SEE THE CONTRACT?
A YES, SIR.
Q DID YOU EVER SIGN SUCH A CONTRACT?
A NO, SIR.
Q AND YOU NEVER AUDITIONED FOR HUEY MEAUX?
A NO, SIR.
Q OR CHARLIE BOOTH?
A NO, SIR.
Q OR TOMMY BERGEN?
A NO, SIR.
Q NOW, DID YOU LATER GO TO NASHVILLE?
A YES, SIR.
Q DO YOU REMEMBER WHEN YOU LEFT?
A IT WAS ABOUT OCTOBER THE 17TH, 1965, THAT EVENING.
Q AND WHERE DID YOU LEAVE FROM?
A HOUSTON.
Q DID YOU GO WITH THESE DEFENDANTS OR BY YOURSELF?
A I WENT WITH TOMMY BERGEN AND CHARLIE BOOTH.
Q AND WHOSE AUTOMOBILE, OR DID YOU GO BY AUTOMOBILE?
A WE WENT IN CHARLIE BOOTH'S CAR.
Q DO YOU REMEMBER WHAT MODEL CAR IT WAS?
A IT WAS A 1965 CHEVROLET.
Q DID YOU MEET THEM AT A CERTAIN PLACE TO LEAVE FROM THERE, OR DID THEY COME BY AND GET YOU, OR JUST WHAT HAPPENED?

A TOMMY PICKED ME UP AT KILT, AND THEN WE FOLLOWED CHARLIE BOOTH OVER TO TOMMY'S HOUSE, AND WE EXCHANGED BAGGAGE AFTER WE GOT OFF THE GULF FREEWAY, AND THEN, TOMMY DROPPED HIS CAR OFF AT HIS HOUSE AND HE WENT IN TO SEE IF IT WAS ALL RIGHT IF HE WENT, AND THEN, WE LEFT FROM THERE.

Q ALL RIGHT. WERE YOU IN SCHOOL AT THIS TIME?

A YES, SIR.

Q AND YOU WERE LIVING AT HOME WITH YOUR MOTHER?

A YES, SIR.

Q DID YOUR MOTHER KNOW ABOUT THIS TRIP?

A SHE THOUGHT I WAS GOING TO NEW YORK.

Q AND WHO TOLD HER THAT YOU WERE GOING TO NEW YORK?

A I TOLD HER, AND TOMMY TOLD HER, AND TOMMY HAD THESE PEOPLE COME OUT AND SAY THEY WERE GOING WITH US.

Q WHEN YOU LEFT HOUSTON AND STARTED TO TENNESSEE, DID YOU STOP ON THE WAY ANYWHERE?

A YEAH, WE STOPPED AT A COUPLE OF SERVICE STATIONS AND WE STOPPED TO EAT, BUT OTHER THAN THAT, WE DROVE STRAIGHT THROUGH.

Q ALL RIGHT. WERE YOU TAKING ANY TYPE OF STIMULANTS DURING THIS TIME?

A NO, SIR. I WAS SMOKING.

Q ALL RIGHT. WAS CHARLIE BOOTH OR TOMMY BERGEN TAKING ANYTHING?

A I KNOW CHARLIE BOOTH --

Q DO YOU KNOW WHAT CHARLIE BOOTH WAS TAKING?

A HE WAS TAKING DIFFERENT COLORS OF PILLS AND CAPSULES WITH DIFFERENT COLORED, DIFFERENT COLORED THINGS INSIDE OF THEM.

Q DO YOU KNOW IF TOMMY BERGEN WAS TAKING SOME PILLS OR CAPSULES?

A I COULDN'T SAY FOR SURE. I NEVER SAW IT, SAW HIM, TO THE BEST OF MY MEMORY, TAKE ONE.

Q WERE EITHER ONE OF THEM DRINKING OR BOTH OF THEM DRINKING?

A CHARLIE BOOTH WAS DRINKING.

Q DO YOU REMEMBER WHAT HE WAS DRINKING?

A BOURBON.

Q SOME KIND OF WHISKY?

A UH-HUH.

Q WHEN YOU LEFT HOUSTON, WHO WAS DRIVING THE CAR?

A CHARLIE BOOTH.

Q AND WHERE WERE YOU SITTING?

A IN THE BACK.

Q WHERE WAS TOMMY BERGEN?

A HE WAS IN THE FRONT.

Q DID YOU AT ANY TIME CHANGE POSITIONS?

A YEAH, CHARLIE AND TOMMY CHANGED OVER DRIVING.

Q AT ANY TIME DURING THE TRIP OR ANY TIME DURING THE TRIP

DID CHARLIE GET IN THE BACK SEAT WITH YOU?

A YES, SIR.

Q WHEN WAS THAT?

A IT WAS RIGHT OUTSIDE HOUSTON.

Q ALL RIGHT. AND WE SPEAK OF CHARLIE BOOTH, DO YOU SEE HIM IN THE COURTROOM?

A YES, SIR.

Q WHICH ONE OF THE DEFENDANTS IS HE?

A HE'S ON THE END OF THE TABLE.

Q ALL RIGHT. YOU SAY CHARLIE GOT IN THE BACK SEAT WITH YOU?

A YES, SIR.

Q AND WHAT WAS THE PURPOSE OF HIM GETTING IN THE BACK SEAT WITH YOU?

A HE TRIED TO RAPE ME.

Q DID YOU HAVE ON A DRESS OR SLACKS AT THIS TIME?

A NO, SKIRT AND BLOUSE.

Q DID YOU LIKE CHARLIE BOOTH?

A NO, SIR.

Q DID YOU WANT TO HAVE SEXUAL RELATIONS WITH HIM AT THAT TIME?

A NO, SIR.

Q OR ANY TIME?

A NO, SIR.

Q WAS HE ABLE TO HAVE SUCH RELATIONS WITH YOU?

A NO.

Q WHAT PREVENTED HIM FROM IT?

A TOMMY TOLD HIM TO LEAVE ME ALONE.

Q DID HE EVER PLACE HIS PRIVATE PARTS IN YOUR PRIVATE PARTS?

A NO, SIR.

Q DID HE, JUST TELL THE JURY WHAT HAPPENED, AS BEST YOU CAN.

A WELL, HE GOT IN THE BACK SEAT AND HE TRIED TO RAPE ME AND TOMMY TOLD HIM TO LEAVE ME ALONE, SO HE GOT BACK IN THE FRONT.

Q THEY MAY WANT TO KNOW A LITTLE BIT MORE ABOUT YOUR WORDS "HE TRIED TO RAPE ME."

I KNOW IT MAY BE EMBARRASSING TO YOU, BUT IT'S IMPORTANT TO TELL IT TO THE JURY.

JUST TELL IT TO THEM THE WAY IT HAPPENED.

A --- (NO RESPONSE)

Q DID HE TAKE HIS PRIVATE PARTS OUT OF HIS PANTS?

A YES, SIR.

Q DID HE PLACE IT AGAINST ANY PORTION OF YOUR BODY?

MR. MUCH: YOUR HONOR, I OBJECT TO COUNSEL LEADING HER, GIVING HER ONE ITEM AFTER ANOTHER.

THE COURT: DON'T LEAD THE WITNESS,

THAT'S RIGHT.

SUPPOSE WE TAKE A RECESS.

DURING THE ENTIRE TRIAL OF THE CASE, WHY, DON'T TALK TO ANY OF THE LAWYERS OR WITNESSES OR ANYONE ELSE CONCERNING THE CASE. DON'T EVEN TALK AMONG YOURSELVES ABOUT THE CASE, THAT IS, SO FAR AS THE TESTIMONY IS CONCERNED, AND PLEASE DON'T, IF THERE SHOULD BE ANYTHING IN THE PAPERS OR ON TELEVISION OR RADIO, PLEASE DON'T LISTEN OR READ OR GET ANY INFORMATION IN ANY OTHER WAY EXCEPT IN THIS COURTROOM.

THANK YOU.

SEE YOU AT 2:00 O'CLOCK.

(RECESS)

JANUARY 16, 1967

AFTERNOON SESSION

2:00 P.M. O'CLOCK

THE COURT: PLEASE BE SEATED, EVERYONE. PROCEED, GENTLEMEN.

Q (BY MR. APPLEWHITE) ARE YOU THE SAME LYNDA PUCKETT THAT WAS TESTIFYING BEFORE WE RECESSED FOR LUNCH?

A YES, SIR.

Q NOW, SHORTLY BEFORE WE RECESSED I THINK YOU WERE TESTIFYING ABOUT THE TRIP TO NASHVILLE, IS THAT RIGHT?

A YES, SIR.

Q AND I ASKED YOU IF, WHILE YOU WERE IN THE CAR WITH CHARLIE BOOTH AND TOMMY BERGEN IF CHARLIE BOOTH EVER TRIED TO HAVE SEXUAL RELATIONS WITH YOU IN THE BACK SEAT.

A YES, SIR.

Q AND I ASKED YOU TO DESCRIBE THAT TO THE JURY AS BEST YOU CAN AND I ASK YOU THAT AGAIN AND ASK YOU TO DO SO.

A WELL, HE TOOK HIS PRIVATE PARTS OUT OF HIS PANTS AND TOUCHED THEM TO MY FLESH, BUT HE NEVER ACTUALLY HAD INTERCOURSE WITH ME.

Q DID ANYBODY KEEP HIM FROM HAVING INTERCOURSE WITH YOU?
A YES, SIR.
Q WHO WAS THAT?
A TOMMY BERGEN.
Q AND WERE YOU CRYING AT THIS TIME?
A YES, SIR.
Q DID TOMMY GET BACK IN THE FRONT SEAT AFTER THIS HAPPENED OR DID HE REMAIN IN THE BACK SEAT WITH YOU -- EXCUSE ME, STRIKE THAT.
DID CHARLIE GET IN THE FRONT SEAT?
A YES, HE GOT BACK IN THE FRONT SEAT.
Q NOW, BEFORE YOU WENT ON THE TRIP, HAD YOU EVER HAD SEXUAL RELATIONS WITH TOMMY BERGEN ALSO?
A YES, SIR.
Q ONE OR MORE OCCASIONS, MORE THAN ONCE?
A YES, SIR.
Q ALL RIGHT. DID YOU EVER HAVE SEXUAL RELATIONS WITH CHARLIE BOOTH AT ANY TIME DURING THIS PERIOD?
A YES -- NO, SIR, NO, SIR.
Q CHARLIE BOOTH?
A NO, SIR.
Q DURING THE TRIP, DID YOU HEAR TOMMY AND CHARLIE EVER TALKING ABOUT WHAT IF THEY GOT CAUGHT?
A YES, SIR.
Q OR WORDS TO THAT EFFECT?

A YES, SIR.

Q AND WOULD YOU RELATE THAT CONVERSATION TO THE JURY?

A THEY SAID I HAVE A CONTRACT, THEY SAID I WOULD HAVE A CONTRACT SAYING I WAS GOING UP THERE TO CUT RECORDS AND THAT I WOULD GO UNDER THE NAME OF LYNDA ELLIS.

Q LYNDA WHO?

A ELLIS.

Q LYNDA ELLIS; DID YOU EVER HEAR THEM TALKING ABOUT THE STATE LINE?

A YES, SIR.

Q AND WHAT, IF ANYTHING, WAS SAID ABOUT THAT?

A SAID THAT WHEN WE GOT TO THE STATE LINE, I WAS GOING TO WALK ACROSS, BUT THAT NEVER HAPPENED. I NEVER WALKED ACROSS THE STATE LINE.

Q DO YOU REMEMBER WHO SAID THAT, IF IT WAS TOMMY OR CHARLIE?

A TOMMY ASKED WHAT WOULD BE DONE ABOUT THE STATE LINE AND CHARLIE SAID THAT I WOULD WALK ACROSS IT.

Q ON THE WAY UP THERE, DID CHARLIE BOOTH EXPLAIN TO YOU HOW YOU WERE TO CONDUCT YOURSELF IN NASHVILLE WITH RELATION TO ANY CUSTOMERS YOU MIGHT HAVE?

A I WASN'T NEVER SUPPOSED TO KISS ANYBODY IN THE MOUTH. I WASN'T SUPPOSED TO DO ANYTHING TILL I GOT THE MONEY FROM THEM AND THEY WOULD HAVE A CARD IDENTIFYING THEMSELVES AS SENT BY BOOTH OR MEAUX.

Q WHEN YOU SAY "THEY" WOULD HAVE A CARD, WHO ARE YOU SPEAKING OF?

A WHOEVER CAME INTO THE ROOM.

Q ANY PERSON THAT YOU WERE TO HAVE INTERCOURSE WITH?

A YES, SIR.

Q NOW, WHEN THEY FIRST TALKED ABOUT THE TRIP AND TOLD YOU THAT YOU WOULD MAKE A HUNDRED DOLLARS A NIGHT, I THINK YOU SAID HUEY MEAUX TOLD YOU THAT?

A YES, SIR.

Q DID HE TELL YOU WHO WOULD PAY YOU THE HUNDRED DOLLARS?

A IT WOULD BE PAID TO ME IN A LUMP SUM AT THE CONCLUSION.

Q AT THE CONCLUSION OF WHAT?

A OF THE TRIP.

Q WHEN DID YOU ARRIVE IN NASHVILLE?

A ON OCTOBER THE 18TH, 1965.

Q DO YOU REMEMBER WHERE YOU STAYED?

A AT THE CAPITOL PARK INN, DOWNTOWN NASHVILLE.

Q DO YOU REMEMBER APPROXIMATELY WHAT TIME IT WAS WHEN YOU ARRIVED THERE?

A AROUND 5:00 OR 6:00 IN THE AFTERNOON.

Q DID YOU AT THIS TIME GO IN AND RESERVE YOUR ROOMS?

A NO, THEY WERE ALREADY RESERVED.

Q DID YOU GO DIRECTLY TO YOUR ROOM?

A YES, SIR.

Q DO YOU REMEMBER WHICH ROOM NUMBER IT WAS?

A 151.

Q DID YOU REMAIN IN THAT ROOM THE WHOLE TIME YOU WERE IN NASHVILLE?

A NO, I WENT UP TO 276 LATER ON, 276 OR 236, BECAUSE FLORENCE AND DION WARWICK CAME INTO TOWN AND THEY DIDN'T HAVE ANY PLACE TO STAY --

THE COURT: SPEAK A LITTLE LOUDER.

A I MOVED UP TO ROOM 236 OR 276 LATER ON BECAUSE FLORENCE AND DION WARWICK CAME INTO NASHVILLE AND THEY DIDN'T HAVE ANY PLACE TO STAY.

Q AND WHO WERE THEY?

A DION WARWICK IS A SINGER AND I'M NOT REAL SURE WHO FLORENCE WAS. SHE WAS FROM SOME RADIO STATION IN FLORIDA.

Q WHAT DID YOU DO THE FIRST DAY, OR THAT NIGHT, AFTER YOU ARRIVED IN NASHVILLE AND AFTER YOU CHECKED INTO THE HOTEL?

A I WENT TO SLEEP.

Q AND WHAT DID YOU DO THE NEXT DAY?

A OH, I WENT AND HAD MY HAIR FIXED AND I WENT LOOKING AROUND NASHVILLE AND -- I WENT DOWN AND HAD DINNER THAT NIGHT.

Q ALL RIGHT. ON OR ABOUT OCTOBER THE 19TH, DID YOU RECEIVE A CALL FROM HUEY MEAUX OVER THE TELEPHONE?

A YES, SIR.

Q AND WHERE WAS HUEY AT THIS TIME?
A IN HIS ROOM.
Q AND WHAT DID HE ASK YOU TO DO, IF ANYTHING?
A HE ASKED ME TO COME TO HIS ROOM.
Q DID YOU GO?
A YES, SIR.
Q AND WHEN YOU GOT TO HIS ROOM, WAS HE THERE BY HIMSELF?
A NO, SIR.
Q WHO ELSE WERE PRESENT?
A PETER GARRIS AND STEVE TYRELL AND SOMEONE ELSE, AND THAT'S ALL, AND HIM, AND I.
Q WILL YOU SPEAK A LITTLE BIT LOUDER?

CAN YOU HEAR OVER THERE?

DID YOU HAVE A CONVERSATION WITH THEM?

THE COURT: A LITTLE LOUDER, I DON'T BELIEVE THESE FOLKS ARE HEARING YOU ON THE LEFT.

MR. MUCH: NO, YOUR HONOR, I CANNOT.

MR. APPLEWHITE: WILL YOU SPEAK A LITTLE LOUDER?

Q (BY MR. APPLEWHITE) DID YOU HAVE A CONVERSATION WITH THEM AT THIS TIME?
A YES, SIR.
Q AND DID HUEY MEAUX ASK YOU TO DO ANYTHING?
A YES, SIR.

Q WHAT DID HE ASK YOU TO DO?

A TOLD ME TO TAKE MY BLOUSE OFF.

Q HOW WERE YOU DRESSED?

A I HAD ON PANTS AND A TOP.

Q DID YOU TAKE OFF YOUR BLOUSE?

A YES, SIR.

Q DID YOU HAVE ANY UNDERGARMENTS ON?

A YES, SIR.

Q DID YOU TAKE THEM OFF?

A I DON'T RECALL.

Q WHAT HAPPENED AFTER YOU TOOK YOUR BLOUSE OFF?

A THEY TOLD ME TO PUT IT BACK ON.

Q WAS ANYTHING SAID DURING THIS TIME?

A NO, NOT TOO MUCH.

Q NOW, AFTER YOU PUT YOUR BLOUSE BACK ON, WHAT DID YOU DO?

A I WENT BACK TO MY ROOM AND PUT ON A SUIT AND WENT DOWN TO DINNER.

Q AND WHO DID YOU GO TO DINNER WITH?

MR. MUCH: YOUR HONOR, I CANNOT HEAR THE ANSWER, SHE PUT ON A SUIT?

THE WITNESS: -- AND WENT DOWN TO DINNER.

THE COURT: WOULD IT HELP ANY IF YOU ALL SIT OVER HERE, OR NOT?

MR. MUCH: I THINK WITH MOST WITNESSES, MAY IT PLEASE THE COURT, I CAN HEAR AND I IMAGINE COUNSEL WOULD RATHER BE UNINTERRUPTED BY ME.

THE COURT: SPEAK A LITTLE LOUDER.

THE WITNESS: ALL RIGHT.

Q (BY MR. APPLEWHITE) WHO DID YOU GO TO DINNER WITH THAT NIGHT?

A TOMMY BERGEN.

Q BY HIMSELF?

A WELL, THAT'S WHO I WENT DOWN THERE WITH, AND HUEY MEAUX AND CHARLIE BOOTH AND THERE WAS A LOT OF OTHER PEOPLE AT THE SAME TABLE. IT WAS A REAL BIG TABLE.

Q AND AFTER DINNER, WHERE DID YOU GO?

A I WENT BACK AND PUT ON A SKIRT AND BLOUSE, NO A SKIRT AND SWEATER, AND THEN, I WENT TO 276.

Q ROOM 276?

A YES, SIR.

Q AND WHOSE ROOM WAS THAT?

A PETER GARRIS' AND STEVE TYRELL'S.

Q WERE THEY PRESENT AT THAT TIME?

A YES, SIR.

Q WAS ANYBODY ELSE IN THE ROOM BESIDES THE THREE OF YOU?

A HUEY MEAUX WAS IN THERE.

Q ANYONE ELSE?

A NO, SIR.

Q DID YOU HAVE A CONVERSATION AT THIS TIME WITH HUEY MEAUX?

A YEAH, HE SAID THAT ANYTHING THAT PETER TOLD ME TO DO, THAT I WAS SUPPOSED TO DO BECAUSE HE HAD THE SAME SAY AS HUEY MEAUX OR CHARLIE BOOTH OR TOMMY BERGEN.

Q WHEN YOU SAY "PETER", WHO ARE YOU SPEAKING OF?

A PETER GARRIS.

Q ON OR ABOUT OCTOBER THE 19TH, 1965, DID YOU RECEIVE A CALL FROM PETER GARRIS?

A YES, SIR.

Q WHILE IN NASHVILLE?

A YES, SIR.

Q AND WAS THIS WHILE YOU WERE IN THE HOTEL?

A YES, SIR.

Q AND WAS THIS AFTER YOU HAD THE CONVERSATION WITH HUEY MEAUX CONCERNING PETER GARRIS?

A YES, SIR.

Q AND WHAT DID PETER GARRIS TELL YOU TO DO, IF ANYTHING?

A HE TOLD ME THAT HE WOULD COME UP AND GET ME AND TAKE ME TO MEET SOME PEOPLE.

Q DID HE COME UP AND GET YOU?

A YES, SIR.

Q AND WHERE DID YOU GO FROM THERE?

A TO RUSS REGAN'S ROOM.

Q ALL RIGHT. DID PETER GARRIS INTRODUCE YOU TO RUSS REGAN?

A YES, SIR.

Q AND DO YOU KNOW, DID PETER GARRIS TELL YOU ANYTHING ABOUT REGAN, WHERE HE WAS FROM?

A HE TOLD ME HE WAS WITH WARNER BROTHERS IN LOS ANGELES.

Q WITH WARNER BROTHERS?

A YES, SIR.

Q WAS HE CONNECTED WITH THE RECORD BUSINESS IN ANY WAY?

A YES, SIR.

Q AND WHAT, DO YOU KNOW, IN WHAT WAY?

A I'M NOT SURE.

Q ALL RIGHT. DO YOU KNOW IF PETER GARRIS WAS CONNECTED WITH THE RECORD BUSINESS IN ANY WAY?

A HE IS WITH SCEPTRE-ONE RECORDS IN NEW YORK.

Q SCEPTRE RECORDS IN NEW YORK?

A YES, SIR.

Q DO YOU KNOW WHAT POSITION HE HOLDS WITH SCEPTRE RECORDS?

A ONLY THAT HE BUYS TAPES.

Q HE BUYS TAPES?

A YES, SIR.

Q NOW, AFTER YOU ARRIVED AT RUSS REGAN'S ROOM, I BELIEVE YOU SAID PETER GARRIS INTRODUCED YOU TO REGAN, IS THAT RIGHT?

A YES.

Q AND THEN, WHAT HAPPENED?

A AND THEN, HE LEFT ME IN THERE.

Q PETER GARRIS LEFT --

A YES, PETER GARRIS LEFT.

Q ALL RIGHT. DID YOU HAVE RELATIONS WITH RUSS REGAN?

A YES, SIR.

MR. APPLEWHITE: YOUR HONOR, MAY WE HAVE RUSS REGAN BROUGHT TO THE DOOR FOR THE PURPOSES OF IDENTIFICATION?

THE COURT: ALL RIGHT.

MR. APPLEWHITE: I'LL ASK YOU, WHEN THIS PERSON COMES IN TO IDENTIFY HIM IF HE IS RUSS REGAN. DO NOT SAY ANYTHING WHILE HE IS INSIDE, BUT WAIT UNTIL HE GOES OUTSIDE.

(A GENTLEMAN CAME INTO THE COURTROOM AND STOOD.)

MR. APPLEWHITE: THANK YOU, SIR. THAT'S ALL. YOU MAY LEAVE.

MR. REGAN: I'M SORRY, I DIDN'T UNDERSTAND.

MR. APPLEWHITE: JUST TAKE YOUR COAT --

(THE GENTLEMAN LEFT THE COURTROOM.)

Q (BY MR. APPLEWHITE) HAVE YOU EVER SEEN THAT GENTLEMAN?

A YES, THAT IS RUSS REGAN.

Q AND HE WAS ONE OF THE ONES YOU HAD INTERCOURSE WITH IN NASHVILLE?

A YES, SIR.

Q ALL RIGHT. AND AFTER YOU HAD INTERCOURSE WITH HIM, DID PETER GARRIS INTRODUCE YOU TO ANYONE ELSE?

A YES, SIR.

Q CAN YOU REMEMBER THE NAME OF ANY OTHER PERSON?

MR. MUCH: EXCUSE ME, COUNSEL. MAY I ASK THAT HE FIX THE TIME AND PLACE RATHER THAN --

THE COURT: YES, SUPPOSE YOU FIX THE TIME AND PLACE.

MR. APPLEWHITE: ALL RIGHT, YOUR HONOR.

Q (BY MR. APPLEWHITE) ON OR ABOUT OCTOBER THE 19TH, 1965, WHILE YOU WERE IN NASHVILLE AT THIS CONVENTION AT THE CAPITOL PARK INN, DID YOU HAVE RELATIONS WITH ANYBODY ELSE, SEXUAL RELATIONS?

A YES, SIR.

Q AT THE DIRECTION OF GARRIS?

A YES, SIR.

Q AND WHO WAS THAT, OR WHO WERE THEY?

A IT WAS BILL DRAKE.

Q DID GARRIS TELL YOU WHO BILL DRAKE WAS?

A YES, HE SAID HE WAS A BIG RADIO STATION OWNER IN LOS ANGELES, HE WAS REAL RICH, SAID TO BE REAL NICE TO HIM.

Q ALL RIGHT, AND DID YOU HAVE SEXUAL RELATIONS WITH DRAKE?

A YES, SIR.

Q ON OR ABOUT OCTOBER THE 19TH?

A YES, SIR.

Q AT THE DIRECTION OF GARRIS?

A YES, SIR.

Q DID YOU COMMIT ANY IMMORAL ACT OTHER THAN SEXUAL RELATIONS WITH BILL DRAKE?

MR. MUCH: I OBJECT TO THAT AS CALLING FOR A CONCLUSION AND OPINION ON THE PART OF THE WITNESS.

THE COURT: YOU WANT HER TO DESCRIBE IT?

MR. MUCH: I DON'T KNOW WHAT IT IS THAT HE'S ASKING ABOUT, OR WHAT SHE ANSWERED YES ABOUT, BUT I THINK THE ONLY RELEVANT EVIDENCE IS WHAT SHE DID.

MR. APPLEWHITE: I'LL ASK HER TO DESCRIBE IT, YOUR HONOR.

Q (BY MR. APPLEWHITE) WOULD YOU DESCRIBE THIS --

THE COURT: GO AHEAD.

MR. MUCH: EXCUSE ME, PARDON ME, COUNSEL.

I ASK THAT THE ANSWER AS GIVEN BE STRICKEN AS I HAD ALREADY OBJECTED.

THE COURT: THE PART OF IT IS, "DID YOU DO ANY OTHER IMMORAL ACT," AND SHE SAID, YES." AND DISREGARD THAT QUESTION AND ANSWER.

MR. MUCH: THANK YOU.

THE COURT: DON'T CONSIDER IT FOR ANY PURPOSE.

Q (BY MR. APPLEWHITE) OTHER THAN HAVING SEXUAL RELATIONS WITH BILL DRAKE, DID YOU DO ANYTHING ELSE AT HIS REQUEST?

A YES, SIR.

Q WHAT WAS THAT?

A ORAL SODOMY.

Q YOU COMMITTED ORAL SODOMY ON BILL DRAKE?

A YES, SIR.

Q HAD YOU EVER DONE SUCH AN ACT BEFORE WITH ANYBODY ELSE?

A NO, SIR.

Q OR SINCE?

A NO, SIR.

Q AND WHY DID YOU COMMIT SUCH AN ACT?

MR. MUCH: OBJECT TO THAT AS CALLING FOR A CONCLUSION AND OPINION.

THE COURT: OVERRULED.

A BECAUSE BILL DRAKE SAID TO BE REAL NICE TO HIM BECAUSE HE'S REAL RICH.

THE COURT: BILL DRAKE SAID THAT?

THE WITNESS: -- BECAUSE HE WAS REAL RICH AND IF I WAS REAL NICE TO HIM, HE WOULD PLAY THE RECORDS AND EVERY-THING.

Q (BY MR. APPLEWHITE) AFTER YOU GOT BACK TO HOUSTON FROM THIS TRIP, DID YOU LATER GO TO CALIFORNIA?

A YES, SIR.

MR. MUCH: JUST A MINUTE, PLEASE, MA'AM. YOUR HONOR, IT SEEMS TO ME THAT INQUIRY AS TO WHAT SHE DID AFTER THIS TRIP IN QUESTION, WHICH IS THE ONLY MATTER INQUIRED ABOUT IN THE INDICTMENT BEFORE THIS JURY --

THE COURT: IT WOULD BE AFTER THE TIME SET OUT IN THE INDICTMENT WITH REFERENCE

TO THE CONSPIRACY.

MR. APPLEWHITE: I'M NOT SURE I CAN CLEAR IT UP WITH ONE QUESTION.

Q (BY MR. APPLEWHITE) ALL RIGHT. DID YOU GO TO CALIFORNIA BEFORE NOVEMBER?

MR. MUCH: EXCUSE ME, WOULD YOU ASK WHEN SHE WENT WITHOUT SUGGESTING THE ANSWER TO HER?

MR. APPLEWHITE: ALL RIGHT.

Q (BY MR. APPLEWHITE) IF YOU DID GO TO CALIFORNIA, WAS IT BEFORE NOVEMBER THE 1ST OF 1965?

A YES, SIR.

Q AND HOW DID YOU GO TO CALIFORNIA?

A I FLEW.

Q AND WHERE DID YOU GET THE MONEY?

A BILL DRAKE WIRED ME THE TICKET.

Q BILL DRAKE?

A YES, SIR.

MR. MUCH: YOUR HONOR, APPARENTLY, THIS --

THE COURT: I'LL SUSTAIN THE OBJECTION. DISREGARD THE QUESTION WITH REGARD TO CALIFORNIA, THE CALIFORNIA TRIP.

Q (BY MR. APPLEWHITE) WHILE YOU WERE IN NASHVILLE AND ON OR ABOUT OCTOBER THE 19TH OF 1965, DID YOU HAVE

INTERCOURSE WITH ANY OTHER PEOPLE WHILE YOU WERE THERE AT THE DIRECTION OF GARRIS, OTHER THAN BILL DRAKE, RUSS REGAN --

A YES, BUT I DON'T RECALL THE NAMES, AND I WOULDN'T KNOW THEM IF I HEARD THEM.

Q DO YOU KNOW IF EVERY PERSON YOU HAD RELATIONS WITH WERE CONNECTED WITH THE RECORDING INDUSTRY IN SOME WAY?

A YES, SIR.

MR. MUCH: I OBJECT TO THAT AS CALLING FOR A CONCLUSION AND OPINION, HOW SHE COULD POSSIBLY KNOW --

THE COURT: SUSTAINED.

Q (BY MR. APPLEWHITE) WELL, DID PEOPLE YOU HAD RELATIONS WITH TELL YOU WHO THEY WORKED FOR?

MR. MUCH: CALLING FOR A HEARSAY STATEMENT BY PEOPLE THEY DON'T IDENTIFY.

THE COURT: YES.

Q (BY MR. APPLEWHITE) DID PETER GARRIS TELL YOU THIS WHEN HE INTRODUCED YOU TO THEM?

A YES, SIR.

Q PERSONS YOU HAD INTERCOURSE WITH, DID PETER GARRIS TELL YOU THAT HE WAS WORKING FOR SOME RECORD BUSINESS IN SOME WAY?

A YES, SIR.

Q ALL RIGHT. NOW, HOW MANY DAYS DID YOU STAY IN NASHVILLE?

A ABOUT FIVE OR SIX DAYS, FROM THE 19TH TO THE 22ND.

Q OCTOBER THE 22ND?

A YES, '65.

Q DID YOU LEAVE AND COME BACK TO HOUSTON ON THAT DATE?

A YES, SIR.

Q ON OR ABOUT OCTOBER 22ND, WHAT TIME DID YOU LEAVE NASHVILLE?

A IT WAS REAL, REAL EARLY IN THE MORNING, ABOUT A LITTLE BIT AFTER 12:00 IN THE MORNING.

Q SHORTLY AFTER MIDNIGHT?

A YES, SIR.

Q AND HOW DID YOU COME BACK TO HOUSTON?

A WITH CHARLIE BOOTH AND TOMMY BERGEN, WE DROVE.

Q IN THE SAME CAR THAT YOU WENT UP THERE IN?

A YES, SIR.

Q AT ANY TIME BEFORE YOU LEFT NASHVILLE, DID YOU HEAR HUEY MEAUX SAY ANYTHING ABOUT PAYING YOU ANY MONEY?

A YES, SIR.

Q AND WHERE WAS THAT AND WHAT WAS SAID?

A IT WAS IN THE MOTOR LOBBY WHEN I WAS IN THE CAR AND --

Q WHERE WAS TOMMY BERGEN AT THIS TIME?

A HE WAS JUST GETTING INTO THE CAR.

Q WHERE WAS CHARLIE BOOTH?

A HE WAS JUST GETTING INTO THE CAR.

Q AND WAS HUEY MEAUX IN THE CAR OR STANDING OUTSIDE THE CAR?

A NO, HE WAS STANDING OUTSIDE.

Q AND WHAT WAS SAID?

A HE SAID, "HERE IS THE TWO HUNDRED DOLLARS, GIVE HER SOME AND GIVE TOMMY THE REST."

Q ALL RIGHT. DID YOU LATER GET ANY MONEY FOR YOUR SERVICES WHILE YOU WERE IN NASHVILLE?

A YES, SIR.

Q HOW MUCH?

A ABOUT A HUNDRED DOLLARS.

Q DO YOU KNOW WHO GOT THE OTHER HUNDRED?

A YES, SIR.

Q WHO?

A TOMMY BERGEN.

Q AND WHILE YOU WERE IN NASHVILLE, WERE YOU TAKING ANYTHING FOR BIRTH CONTROL?

A YES, SIR.

Q WHAT WAS THAT?

A BIRTH CONTROL PILLS.

Q AND WHERE DID YOU GET THESE PILLS?

A FROM DR. SCHAFER.

Q HOW DID YOU KNOW DR. SCHAFER?

A HE IS IN THE HILLCROFT MEDICAL CENTER AND THAT'S WHERE

OUR FAMILY DOCTOR IS.

Q WHO IS YOUR FAMILY DOCTOR?

A DR. OLSEN.

Q AND HOW DID YOU IDENTIFY YOURSELF TO DR. SCHAFER?

A AS LYNDA BERGEN.

Q AS LYNDA BERGEN?

A YES, SIR.

Q DID YOU GET A PRESCRIPTION FROM HIM?

A YES, SIR.

Q AND DID YOU HAVE THIS PRESCRIPTION FILLED?

A YES, SIR.

Q AND WHERE?

A FOLEY'S, DOWNTOWN.

Q AND AFTER YOU GOT THE PRESCRIPTION FILLED, DID YOU START TAKING THESE PILLS AND KEEP TAKING THEM WHILE YOU WERE IN NASHVILLE?

A YES, SIR.

Q SOME TIME BACK, YOU MENTIONED THE FACT THAT WHEN CERTAIN MEN WOULD COME TO YOUR ROOM, THEY SHOULD HAVE CARDS TO IDENTIFY THEMSELVES. WERE CARDS EVER USED?

A NO, THEY GAVE ME SOME CARD, BUT -- THEY NEVER USED THEM.

Q WHAT KIND OF CARD DID THEY GIVE YOU?

A THEY WERE PINK CARDS WITH A MISSHAPEN RED HEART ON IT AND IT HAD A FACE ON THE HEART.

Q AND WHAT WAS THE PURPOSE OF YOUR RECEIVING THOSE CARDS?

MR. MUCH: I OBJECT TO THAT AS TO WHAT THE PURPOSE WAS. THE CARD WOULD BE THE BEST EVIDENCE OF WHAT IT IS, ANYWAY.

MR. APPLEWHITE: I WITHDRAW IT, YOUR HONOR.

THE COURT: ALL RIGHT.

Q (BY MR. APPLEWHITE) DID HUEY MEAUX, OR WHO GAVE YOU THE CARD?

A HUEY MEAUX.

Q DID HE TELL YOU WHY HE GAVE THEM TO YOU?

A HE SAID, "HERE ARE THE CARDS YOU ARE SUPPOSED TO USE FOR IDENTIFICATION."

Q NOW, YOU MENTIONED EARLIER THAT YOU WERE LIVING WITH YOUR MOTHER WHEN YOU WENT UP THERE.

A YES, SIR.

Q AND YOU TOLD YOUR MOTHER THAT YOU HAD GONE TO NEW YORK?

A YES, SIR.

Q DID YOU TELL YOUR MOTHER WHY YOU WERE GOING TO NEW YORK, AND WITH WHOM?

MR. MUCH: YOUR HONOR, THAT SEEMS TO BE IRRELEVANT AND HEARSAY ENTIRELY.

THE COURT: SUSTAIN THE OBJECTION.

Q (BY MR. APPLEWHITE) DID HUEY MEAUX TELL YOU WHAT THE PINK CARD, WHAT THE MEANING BEHIND THEM WAS WHEN HE GAVE THEM TO YOU?

A YES, IT WAS FOR IDENTIFICATION.

Q NOW, WHAT DID HE MEAN BY THIS, DID HE TELL YOU THAT?

THE COURT: I'LL SUSTAIN THE OBJECTION.

MR. APPLEWHITE: DID HE TELL YOU --

THE WITNESS: -- NO.

Q (BY MR. APPLEWHITE) ALL RIGHT, BUT THE CARDS WERE NEVER USED, IS THAT RIGHT?

A YES, SIR.

MR. APPLEWHITE: YOUR HONOR, AT THIS TIME, WE'LL PASS THE WITNESS.

CROSS EXAMINATION

BY MR. MUCH:

Q I TAKE IT YOU WILL UNDERSTAND IF I CALL YOU LYNDA, I MEAN NO DISRESPECT, I MERELY WANT TO IDENTIFY YOU BY THAT NAME, IF I MAY.

DO YOU UNDERSTAND THAT?

A YES, SIR.

Q LYNDA, IF I UNDERSTOOD YOU EARLIER THIS MORNING, YOU SAID THAT YOU, PARDON ME, YOUR MOTHER AND FATHER WERE SEPARATED, IS THAT CORRECT?

A YES, SIR.

Q ACTUALLY, THEY ARE DIVORCED, ARE THEY NOT?
A YES, SIR.
Q AND, ACTUALLY, YOUR FATHER HAS REMARRIED, AS OF LAST YEAR?
A NO, SIR.
Q HE HAS NOT REMARRIED?
A YES, SIR.
Q WHEN DID HE REMARRY --

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS. I DON'T THINK IT'S MATERIAL TO THIS CASE, WHETHER HER PARENTS ARE REMARRIED OR NOT.

THE COURT: WHAT IS THE MATERIALITY, COUNSEL?

MR. MUCH: I DON'T WANT TO DISCLOSE THE MATERIALITY. I DON'T WANT TO LEAD WITNESS AS I URGED THAT COUNSEL WAS, BUT I DO WANT TO GET INTO SOME BACK-GROUND OF HER RESIDENCE AND FAMILY AND PLACES OF RESIDENCE. I'LL HAVE TO DEVELOP IT SLOWLY.

THE COURT: ALL RIGHT, GO AHEAD.

Q (BY MR. MUCH) WHERE DO YOU PRESENTLY RESIDE?
A AT 4500 BIRCH, BELLAIRE, TEXAS.
Q AND IS THAT A SINGLE FAMILY RESIDENCE?

A YES, SIR.

Q WHO ELSE STAYS IN THAT HOUSE WITH YOU, OR THAT YOU STAY WITH?

A MY MOTHER AND MY YOUNGER SISTER AND MY TWO DOGS.

Q AND WHAT IS YOUR MOTHER'S NAME?

A BETTY LEE PUCKETT.

Q ALL RIGHT. HOW LONG HAVE YOU BEEN STAYING THERE THIS TIME?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THAT. I DON'T SEE HOW IT'S MATERIAL TO THE CASE.

THE COURT: OVERRULED.

A SINCE JUNE OF '65, '66.

Q (BY MR. MUCH) LAST YEAR, WERE YOU LIVING ON THE GULF FREEWAY?

A NO, SIR.

Q DID YOU HAVE A TELEPHONE NUMBER LISTING YOU AS RESIDING ON THE GULF FREEWAY?

A NO, SIR.

Q AND WHERE WERE YOU LIVING IN AUGUST OF 1965?

A I WAS LIVING WITH MY MOTHER.

Q AND WHERE?

A 4500 BIRCH, BELLAIRE, TEXAS.

Q DID YOU EVER LIVE ON CHENEVERT?

A NO, SIR.

Q DID YOU EVER USE THAT ADDRESS?
A NO, SIR.
Q YOU DIDN'T?
A NO, SIR.
Q AND WHERE WERE YOU LIVING BEFORE JUNE OF 1966?
A 2605 WESTGATE, HOUSTON, TEXAS.
Q AND WHO DID YOU LIVE WITH THERE?
A MY FATHER.
Q WHEN DID YOU MOVE IN WITH HIM?
A JANUARY OF '66.
Q AND WHEN DID YOU MOVE OUT FROM BIRCH?
A JANUARY OF '66.
Q YOU MOVED DIRECTLY FROM YOUR MOTHER'S PLACE TO YOUR FATHER'S PLACE?
A YES, SIR.
Q YOU HAVE LIVED NOWHERE ELSE?
A NO, SIR.
Q I UNDERSTOOD YOU THIS MORNING, YOU SAID YOU WERE WORKING FOR OSHMAN'S ON POST OAK, THAT'S A SPORTING GOODS STORE, BUT I COULD NOT UNDERSTAND WHAT YOU SAID YOU DO.
A I SELL LADIES SPORTSWEAR.
Q AND WHAT ARE YOUR HOURS AND DAYS THERE?
A THEY VARY FROM, I WORK AN EIGHT-HOUR DAY, FIVE DAYS A WEEK.
Q THAT WOULD BE MONDAY THROUGH FRIDAY?

A NO, MONDAY, TUESDAY, THURSDAY, FRIDAY AND SATURDAY.
Q I ALSO UNDERSTOOD YOU TO SAY THAT YOU WERE ATTENDING, IF I UNDERSTOOD YOU CORRECTLY, THE LOW JUNIOR GRADE AT BELLAIRE HIGH SCHOOL.
A NO, SIR.
Q WHERE ARE YOU GOING TO SCHOOL, IF YOU ARE?
A I'M NOT GOING TO SCHOOL RIGHT NOW.
Q AND WHEN WAS THE LAST TIME YOU WENT TO SCHOOL?
A FALL OF '65.
Q BY THAT, DO YOU MEAN THAT YOU ATTENDED SCHOOL IN SEPTEMBER OF 1965?
A YES, I WENT TO NIGHT SCHOOL IN THE SPRING OF '66.
Q THEN, IN THE FALL OF 1965, YOU WERE THEN IN WHAT GRADE AT WHAT SCHOOL?
A I WAS A HIGH SOPHOMORE AT SAN JACINTO.
Q WHEN YOU SAID YOU WENT TO BELLAIRE HIGH SCHOOL, WHEN DID YOU GO THERE?
A I WENT TO BELLAIRE HIGH SCHOOL BEFORE I WENT TO SAN JACINTO.
Q OH, WHEN DID YOU BECOME A LOW JUNIOR?
A I'M A LOW JUNIOR NOW, IF I WENT BACK TO SCHOOL I WOULD BE A LOW JUNIOR.
Q OH. THE LAST TIME YOU ATTENDED SCHOOL, THEN, AS FAR AS HIGH SCHOOL IS CONCERNED, WAS AT SAN JACINTO IN THE FALL OF '65 -- WAS IT BEFORE THE MIDDLE OF OCTOBER

1965 THAT YOU QUIT?

A NO, SIR.

Q ALL RIGHT. THEN, WHEN WAS IT THAT YOU QUIT?

A JANUARY '66.

Q WITH THE EXCEPTION OF THE TIME THAT YOU WENT TO NASHVILLE IN OR AROUND THE MIDDLE , AND THEREAFTER, OF OCTOBER 1965, WERE YOU IN SCHOOL THE REST OF THAT SEMESTER?

A YES, SIR.

Q IN THE FALL OF 1965?

A YES, SIR.

Q YOU MENTIONED A YOUNG LADY NAMED BARRIE BROCKSTEIN AT WHOSE HOME YOU WERE IN AUGUST OF 1965?

A YES, SIR.

Q WHERE DID YOU FIRST KNOW BARRIE BROCKSTEIN?

A SHE WAS IN CLASSES WITH ME AT PERSHING JUNIOR HIGH SCHOOL.

Q AND YOU CONTINUED TO KNOW HER FROM THAT TIME UNTIL AUGUST THE 25TH OF 1965?

A INTERMITTENTLY.

Q YES, SO YOU HAD KNOWN HER HOW LONG ON AUGUST THE 25TH, 1965?

A ABOUT A YEAR.

Q YOU WERE CLOSE FRIENDS AT THAT TIME?

A NO, SIR.

Q YOU WENT TO HER HOUSE ON THAT OCCASION TO CELEBRATE HER BIRTHDAY?

A YES, SIR.

Q YOU WERE PRESENT AND SHE WAS PRESENT; WHO ELSE WAS PRESENT?

A WHEN?

Q ON AUGUST THE 25TH, 1965, WHEN YOU WENT THERE ON HER BIRTHDAY:

A OH, DIANNE YOUNG AND I DIDN'T KNOW THE REST OF THE PEOPLE THERE EXCEPT FOR HER MOTHER AND HER SISTER.

Q A NUMBER OF LADIES THEN?

A I BEG YOUR PARDON?

Q THEY WERE FEMALES, LADIES?

A YES. THERE WAS A FEW BOYS IN AND OUT.

Q WHAT TIME OF THE DAY OR NIGHT WAS THIS?

A ABOUT 8:00 O'CLOCK ON THE NIGHT OF THE 24TH, ABOUT 11:00 O'CLOCK ON THE NIGHT OF THE 24TH.

Q ARE YOU SAYING THAT YOU WENT THERE THE DAY BEFORE THE BIRTHDAY ON THE 24TH?

A SHE WAS, HER BIRTHDAY WAS ON THE 24TH.

Q ALL RIGHT. SO THAT WAS THE NIGHT YOU WENT THERE FROM 8:00 P.M. UNTIL MIDNIGHT, OR LATER?

A I SPENT THE NIGHT.

Q ALL RIGHT, AND WHEN DID TOMMY BERGEN SHOW UP?

A ABOUT 9:00 O'CLOCK THE NEXT MORNING.

Q WHO WAS THERE WHEN HE SHOWED UP?
A BARRIE, HER MOTHER AND HER SISTER AND ME.
Q NOW, ON THAT OCCASION, YOU AND TOMMY HAD A CONVERSATION?
A NO, SIR, NOT AT HER RESIDENCE.
Q DID YOU LEAVE TOGETHER?
A YES, SIR.
Q WHERE DID YOU GO?
A WE WENT, HE TOOK BARRIE AND DROPPED HER OFF SOMEWHERE AND TOOK ME HOME AND TOLD ME TO CALL HIM THAT NGHT AT KILT.
Q AND YOU DID?
A YES, SIR.
Q AND WHEN YOU SAID YOU CALLED HIM, DID YOU TELEPHONE HIM OR GO BY TO SEE HIM?
A I TELEPHONED HIM.
Q YOU SAID HE ASKED YOU ON THE 24TH, 25TH OF AUGUST, 1965, IF YOU WOULD TAKE A TRIP WITH HIM?
A YES, SIR.
Q WHERE DID THAT CONVERSATION TAKE PLACE?
A IT TOOK PLACE ON AUGUST THE 26TH AT KILT.
Q DID HE DISCUSS WITH YOU WHAT YOU WERE DOING TO DO ON THAT TRIP WITH HIM?
A YES, SIR.
Q WHAT WAS SAID?

A SAID I WOULD BE A PROMOTION ASSISTANT FOR HUEY MEAUX.
Q AND HE TOLD YOU THAT ON AUGUST THE 25TH?
A YES, SIR.
Q ALL RIGHT. DID HE TELL YOU WHAT YOU WERE GOING TO DO AS FAR AS PHYSICALLY, WHAT YOUR DUTIES WOULD BE?
A YES, SIR.
Q WHAT DID HE SAY THEY WERE?
A I WOULD GO DOWN THERE AS A PROMOTION ASSISTANT, USING THE PROMOTION ASSISTANT NAME AS A COVER FOR PROSTITUTION.
Q WHEN YOU SAID DOWN THERE, DID HE TELL YOU WHERE?
A NO, SIR.
Q TOLD YOU THAT YOU WOULD GO DOWN THERE AS A PROMOTION ASSISTANT FOR HUEY MEAUX, AND WOULD YOU STATE THE REST OF IT, COULDN'T HEAR YOU.
A USING THE TITLE PROMOTION ASSISTANT AS A COVER FOR PROSTITUTION.
Q WHAT WAS YOUR ANSWER?
A I TOLD HIM I WOULD THINK ABOUT IT.
Q WELL, YOU HAD ALREADY DISCUSSED WITH TOMMY BERGEN BEFORE THAT CONVERSATION THEN THE FACT THAT YOU WERE WILLING TO HAVE SEXUAL INTERCOURSE WITH HIM OR OTHER MEN, HAD YOU NOT?
A NO, SIR.
I HAD NOT SAID THAT I WAS WILLING AT

ANY TIME.

Q OH, BY THAT TIME YOU HAD ALREADY HAD SEXUAL INTERCOURSE WITH TOMMY BERGEN, HADN'T YOU?

A NO, SIR.

Q YOU HAD NOT?

A NO, SIR.

Q WELL, THEN, WOULD YOU TELL ME JUST EXACTLY HOW THIS CONVERSATION, WHAT TOOK PLACE IN THIS CONVERSATION?

A WELL, HE --

Q FIRST, YOU CALLED HIM, IF I'M CORRECT, RIGHT?

A YES, SIR.

Q AND JUST TELL US WHAT WAS SAID OUT OF THE BLUE ABOUT YOUR GETTING INVOLVED IN THIS SITUATION.

A WELL, I NEEDED MONEY TO PAY OFF A CHARGE ACCOUNT OF BARRIE'S THAT WE CHARGED ON AND SHE DECIDED THAT IT WASN'T QUITE LEGITIMATE AND SHE SAID THAT WE WOULD HAVE TO PAY IT OFF AND I DIDN'T KNOW WHERE I COULD GET FIFTY DOLLARS, SO SHE CALLED TOMMY ON THE 24TH AND SHE TOLD HIM THAT WE NEEDED SOME MONEY AND HE SAID THAT HE COULD HELP US COME BY SOME MONEY, SO HE CAME OVER THE NEXT DAY AND NOTHING WAS SAID THEN, EXCEPT FOR ME TO CALL HIM AT KILT, SO I CALLED HIM AT KILT THAT NIGHT AND HE TOLD ME TO COME DOWN THE NEXT DAY TO KILT, THE NEXT EVENING, SO I CAME DOWN AND HE TOLD ME THAT HUEY MEAUX NEEDED SOME GIRLS TO GO TO A CONVENTION

OF SOME SORT AND WOULD I LIKE TO GO AND I TOLD HIM I JUST DON'T KNOW. I SAID, "WHAT DOES HE NEED THE GIRLS FOR?"

AND HE SAID, "TO SATISFY HIS CUSTOMERS SO THEY WOULD BUY TAPES FROM HIM."

Q YOU UNDERSTOOD FROM HIM, OR YOU AND TOMMY HAD IN YOUR DISCUSSIONS DISCUSSED THE FACT THAT YOU WOULD HAVE SEXUAL INTIMACIES WITH SOMEONE IN THAT CONNECTION, IS THAT RIGHT?

A YES, SIR.

Q AND YOU HAD ALREADY DISCUSSED THAT WITH BARRIE?

A TO SOME EXTENT.

Q YOU HAD TOLD HER, NUMBER ONE, THAT YOU NEEDED TO RAISE MONEY FOR THESE CHARGES THAT YOU AND SHE HAD MADE AT FOLEY BROTHERS, HADN'T YOU?

A NO, IT WAS AT JOSKE'S.

Q AT JOSKE'S?

A YES, SIR.

Q AND ON WHOSE ACCOUNT HAD YOU CHARGED?

A HER AUNT'S ACCOUNT.

Q AND YOU AND SHE WENT THERE AND BOUGHT A LOT OF CLOTHES, DID YOU NOT?

A YES, SIR.

Q WHAT WAS IT YOU BOUGHT?

MR. APPLEWHITE: YOUR HONOR, I OBJECT,

IT'S NOT MATERIAL.

THE COURT: OVERRULED.

A I BOUGHT A WATCH AND SHE BOUGHT A WATCH AND SHE BOUGHT A LOT OF STUFF. ALL I BOUGHT WAS A WATCH.

Q AND YOU AND SHE WERE IN TROUBLE ABOUT IT, WEREN'T YOU, BECAUSE YOU HAD USED SOMEBODY ELSE'S CHARGE ACCOUNT?

A NO, SIR.

Q OH, YOU WEREN'T?

A NO, SIR.

Q NEVERTHELESS, YOU WERE GOING TO RAISE MONEY TO PAY IT BACK FOR THE CHARGES THAT YOU HAD MADE?

A YES, SIR.

Q THE AMOUNT YOU WERE GOING TO RAISE, AND TELL ME IF I'M WRONG, WAS FIFTY DOLLARS?

A YES, SIR.

Q AND YOU TOLD HER, IF NECESSARY, YOU WOULD ENGAGE IN PROSTITUTION TO GET THE MONEY?

A NO, SHE SUGGESTED PROSTITUTION.

Q AND YOU SAID, "FINE," OR SOMETHING ALONG THAT LINE?

A NO, I SAID I WOULD HAVE TO SEE WHAT THE DETAILS ARE.

Q FOLLOWING WHICH SHE CALLED TOMMY BERGEN TO ARRANGE FOR YOU AND TOMMY TO GET TOGETHER AND TALK ABOUT THIS, RIGHT?

A YES, SIR.

Q SO, YOU KNEW WHAT TOMMY BERGEN WAS COMING FOR, DIDN'T YOU?

A YES, SIR.

Q AND HE KNEW WHAT HE WAS COMING FOR WHEN HE TALKED WITH BARRIE AND YOU ABOUT IT?

A YES, SIR.

Q AND HE KNEW THAT HE WAS GOING TO WORK OUT A PLAN FOR YOU AND TOMMY --

A -- AND BARRIE, BARRIE WAS INVOLVED, TOO. SHE BACKED OUT.

Q BARRIE WAS LIKEWISE TO GO?

A YES, SIR.

Q AND YOU KNEW, OR DID YOU KNOW THAT TOMMY ARRANGED DATES, OR, AT LEAST, IN SOME WAY PROVIDED BARRIE TO OTHER MEN FOR SEXUAL FAVORS, YOU KNEW THAT, DIDN'T YOU?

A NO, SIR.

Q YOU DIDN'T LEARN THAT FROM TOMMY?

A NO, SIR.

Q DIDN'T LEARN IT FROM BARRIE?

A NO, SIR.

Q DID YOU KNOW ABOUT BARRIE'S BEING INVOLVED WITH A MAN NAMED JERRY WARD?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS. I DON'T THINK THAT'S

MATERIAL TO THE CASE, WHETHER BARRIE WAS INVOLVED WITH A MAN BY THE NAME OF JERRY WARD.

THE COURT: IT'S CROSS EXAMINATION. THERE IS PRETTY WIDE LATITUDE. GO AHEAD.

THE WITNESS: NO.

Q (BY MR. MUCH) YOU DIDN'T KNOW THAT SHE CLAIMED THAT HE COMMITTED STATUTORY RAPE ON HER?

A NO, SIR.

Q YOU DIDN'T KNOW THAT TOMMY TESTIFIED IN THAT MATTER, OR GAVE STATEMENTS TO THE POLICE ABOUT IT?

A NO, SIR.

Q YOU HAD NEVER LEARNED THIS FROM TOMMY?

A NO, SIR.

Q WHAT IS YOUR CONNECTION WITH LYNDA SUSAN PERRY, YOU KNOW HER, DON'T YOU?

A NO, SIR.

Q ALL RIGHT.

SOME TIME LAST YEAR YOU WENT TO THE POLICE, OR THEY CAME TO YOU, THE HOUSTON POLICE, AND THEY TOOK STATEMENTS FROM YOU, DIDN'T THEY?

A YES, SIR.

Q DO YOU REMEMBER THE NAME OF THE POLICEMAN TO WHOM YOU TALKED?

A YES, SIR.

Q WHAT?

A LILA BERNER AND OFFICER DEER.

Q WILL YOU GIVE ME THAT LAST NAME CLEARLY?

A LILA BERNER AND OFFICER DEER.

Q DEER?

A YES.

Q D-E-E-R?

A AND I ALSO SPOKE TO RON HATTINGER.

Q EXCUSE ME, YOU'RE SPEAKING OF THE GENTLEMAN BACK HERE AT THE TABLE?

A YES, SIR.

Q BUT, MY QUESTION WAS ABOUT THE HOUSTON POLICE, AND DID YOU NOT TALK ALSO WITH THE HOUSTON POLICE OFFICER NAMED EARL KIRKLAND?

A NO, SIR.

Q YOU MADE STATEMENTS AND GAVE THEM AND SIGNED THEM FOR THE HOUSTON POLICE DEPARTMENT?

A I SIGNED ONE STATEMENT FOR THE F.B.I.

Q ALL RIGHT. WHAT ABOUT THE HOUSTON POLICE DEPARTMENT?

A I MADE NO STATEMENT FOR THEIR BENEFIT.

Q YOU JUST TALKED TO THEM?

A YES, SIR.

Q DR. TED SCHAFER, I BELIEVE YOU SAID, WAS YOUR FAMILY DOCTOR?

A NO, SIR.
Q NO?
A DR. OLSEN.
Q AND HOW WAS IT THAT YOU GOT TO DR. TED SCHAFER'S OFFICE?
A HIS OFFICES ARE WITH DR. OLSEN'S OFFICE IN THE HILL-CROFT MEDICAL CLINIC.
Q THAT'S OUT NEAR BIRCH STREET WHERE YOU LIVE?
A IT'S NOT TOO CLOSE, IT'S --
Q WELL, IT'S IN THE SOUTHWEST PART OF TOWN, ISN'T IT?
A YES, SIR.
Q AND SO IS BIRCH IN BELLAIRE?
A YES, SIR.
Q AND IT'S BEYOND BELLAIRE A LITTLE BIT, BETWEEN BELLAIRE AND SHARPSTOWN, ISN'T IT?
A YES, SIR.
Q AND YOU DID NOT KNOW DR. SCHAFER BEFORE, DID YOU?
A NO, SIR.
Q AND YOU WENT THERE WITH TOMMY BERGEN?
A NO, SIR.
Q YOU DID NOT?
A NO, SIR.
Q YOU WENT THERE ALONE?
A YES, SIR.
Q AND YOU TOLD DR. SCHAFER THAT YOUR NAME WAS LYNDA

BERGEN, DIDN'T YOU?

A YES, SIR.

Q AND THAT WAS AT TOMMY'S SUGGESTION, WAS IT NOT?

A NO, IT WAS AT MY REQUEST AND TOMMY GRANTED THE REQUEST.

Q TOMMY KNEW THAT YOU WERE GOING BY HIS NAME, DID HE NOT? AND THAT YOU WERE REPRESENTING YOURSELF AS HIS WIFE?

A YES, SIR.

Q APART FROM THE NAME LYNDA PUCKETT, I BELIEVE YOU HAVE SAID THAT AT TIMES YOU HAVE ON OCCASION USED THE NAME LYNDA ELLIS AND YOU ALSO HAVE USED THE NAME MRS. LYNDA BERGEN OR MRS. TOMMY BERGEN?

A YES, SIR.

Q WHAT OTHER NAMES HAVE YOU USED OR REPRESENTED YOURSELF AS HAVING OTHER THAN THOSE THREE?

A THAT'S ALL.

Q DID YOU EVER REGISTER IN ANY HOTEL, MOTEL OR OTHER PLACE UNDER ANY OTHER NAME THAN ONE OF THOSE THREE?

A NO, SIR.

Q NOW, YOU HAVE SAID THAT YOU HAD SEXUAL INTIMACIES WITH TOMMY BERGEN.

WHEN WAS THE INCEPTION OF THAT? WHAT WAS THE FIRST OCCASION, I'LL PUT IT THAT WAY?

A OH, SHORTLY BEFORE SEPTEMBER THE 11TH.

Q WHERE DID THAT TAKE PLACE?

A AT SOMEONE'S HOUSE.
Q YOU DIDN'T KNOW WHOSE HOUSE IT WAS?
A NO, SIR.
Q HE CAME AND GOT YOU AND TOOK YOU TO A HOUSE?
A YES, SIR.
Q DID YOU KNOW WHO WAS THERE BESIDES YOU AND TOMMY?
A NO, SIR.
Q WERE THERE OTHERS THERE?
A I DON'T KNOW.
Q THERE WERE OTHER BOYS AND GIRLS THERE, WEREN'T THERE?
A NO. THERE MIGHT HAVE BEEN SOMEONE IN THE BACK ROOM, I'M NOT SURE.
Q WELL, BY SOMEONE, YOU MEAN ANOTHER COUPLE?
A NO, IT WASN'T A PARTY.
Q IT WASN'T A SEX PARTY?
A NO, SIR.
Q WELL, WHEN YOU SAID THERE MIGHT HAVE BEEN SOMEONE, DID YOU SEE ANY ADULTS AROUND THERE?
A NO, I SAW CARS IN THE DRIVEWAY.
Q IT IS A LARGE PLACE?
A NO, SIR.
Q ALL RIGHT. YOU SAY IT WAS SOMEWHERE NEAR SEPTEMBER THE 11TH; ON THAT OCCASION, WAS THAT DAY OR NIGHT?
A IT WAS IN THE EVENING.
Q AND DID HE REWARD YOU IN ANY WAY?

A NO, SIR.
Q FOR YOUR INTIMACIES?
A NO, SIR.
Q BY THIS TIME YOU FORMED A FRIENDLY RELATION WITH TOMMY BERGEN?
A FAIRLY MUCH SO, YES.
Q YOU WERE, IF NOT IN LOVE WITH HIM, YOU WERE AFFECTIONATE TOWARD HIM BY THAT TIME?
A NO, JUST FRIENDS.
Q ALL RIGHT. THEN, YOU WENT AND HAD SEXUAL INTIMACIES WITH HIM ABOUT THE 11TH, AND AT THAT TIME YOU HAD NO AFFECTION FOR HIM?
A NO.
Q DID HE EXPRESS ANY FOR YOU?
A NO.
Q DID YOU DISCUSS WHAT THE PURPOSE OF THIS WAS, OTHER THAN PHYSICAL SATISFACTION?
A NO, SIR.
Q IT WAS JUST SOMETHING THAT YOU AND HE DID TOGETHER AND THAT WAS ALL RIGHT WITH YOU, RIGHT?
A NOT ESPECIALLY ALL RIGHT WITH ME, NO, SIR.
Q DID YOU UNDERSTAND FROM HIM THAT HE WAS GOING TO MARRY YOU OR TOLD YOU HE WAS IN LOVE WITH YOU IN ANY WAY?
A NO, SIR.

Q THIS WAS NOT THE FIRST SEXUAL INTIMACY YOU HAD WITH A MALE, WAS IT?

A NO.

Q AND WHEN WOULD YOU SAY THAT YOUR SEXUAL ACTIVITIES BEGAN WITH BOYS?

A ABOUT FEBRUARY OF '65.

Q FROM THEN ON, YOU HAD SEXUAL INTIMACIES WITH OTHER BOYS AND BARRIE KNEW ABOUT THIS, DIDN'T SHE?

A NO, SIR.

Q SHE DIDN'T KNOW?

A NO, THERE WAS ONE BOY.

Q JUST ONE?

A YES, SIR.

Q AND THAT WENT ON OVER A PERIOD OF FROM FEBRUARY UNTIL WHEN?

A ABOUT AUGUST, NO UNTIL ABOUT JUNE.

Q WERE YOU IN LOVE WITH THAT BOY?

A NO, SIR.

Q ALL RIGHT. NOW, YOU HAVE SAID THAT WHEN YOU FIRST WENT TO KILT, IF I RECALL AND REMEMBER CORRECTLY, IT WAS ON AUGUST THE 25TH, THE NIGHT OF THE 25TH?

A THE NIGHT OF THE 26TH.

Q YOU TELEPHONED THE NIGHT OF THE 25TH, BUT YOU DIDN'T GO DOWN RIGHT --

A YES, SIR.

Q IS THAT YOUR FIRST VISIT THERE?
A YES, SIR.
Q WHERE WAS IT?
A WHERE WAS KILT?
Q YES.
A IT'S AT 500 LOVETT BOULEVARD.
Q AND THAT IS A RADIO STATION, IS IT NOT, THAT PLAYS POPULAR MUSIC, MAINLY FOR TEEN-AGERS IN HOUSTON, OR WAS AT THAT TIME?
A YES, SIR.
Q AND THEY HAD A SERIES OF PEOPLE WHO SPUN THE RECORDS AND HAD A KIND OF PATTER OR -- COMMONLY DISK JOCKEYS, AREN'T THEY?
A YES, SIR.
Q SOMETIMES D.J.'S?
A YES, SIR.
Q AND YOU WERE INTERESTED IN MEETING THEM AND SEEING WHAT WENT ON AND PARTICIPATING IN THE ACTIVITIES THERE, WERE YOU NOT?
A NO, SIR, I WENT DOWN THERE TO TALK WITH TOMMY.
Q RIGHT. WHEN DID YOU GO TO WORK AS A FILE CLERK OR FAN MAIL SORTER OR WHATEVER IT WAS THAT YOU DID THERE?
A I WAS NEVER A SALARIED EMPLOYEE AT KILT. I HELPED OUT SORTING FAN MAIL FOR RUSS KNIGHT.
Q FOR RUSS KNIGHT?

Q AND HE IS A DISK JOCKEY, OR WAS AT THAT TIME?
A YES, SIR.
Q AND YOU WENT THERE VOLUNTARILY AND WORKED AT NIGHT DOING THIS?
A YES, SIR.
Q HOW MANY NIGHTS?
A ABOUT TWELVE, THIRTEEN, FOURTEEN.
Q YOU GOT NO COMPENSATION WHATSOEVER FOR IT?
A NO, SIR.
Q DID YOU HAVE ANY SEXUAL RELATIONS WITH ANY OF THE PEOPLE WHO WORKED THERE?
A YES, SIR.
Q WHICH ONES?
A JAMES BOND.
Q ALL RIGHT. WHO ELSE -- IS HE A DISK JOCKEY?
A YES, SIR.
Q ALL RIGHT. STILL IS AROUND HERE?
A YES, SIR.
Q ALL RIGHT. WHO ELSE?
A THAT'S ALL.
Q WHAT ABOUT RUSS KNIGHT?
A NO, SIR.
Q AND WERE YOU IN LOVE WITH JAMES BOND?
A NO, SIR.
Q DID YOU RECEIVE ANY REWARD OR COMPENSATION FROM HIM?

A NO, SIR.

Q WHAT DID YOU GET FROM, FIRST, I WILL ASK YOU WHERE THIS TOOK PLACE?

A AT HIS APARTMENT.

Q YOU LEFT KILT WITH HIM AT NIGHT?

A NO, SIR.

Q EXCUSE ME. TELL ME HOW YOU GOT TO HIS APARTMENT?

A I LEFT WITH HIM IN THE MORNING.

Q AND WENT TO HIS APARTMENT DURING THE DAY, AND IF I UNDERSTAND YOU CORRECTLY, IT WAS AFTER AUGUST THE 26TH, OR BEFORE SEPTEMBER THE 11TH?

A YES, SIR.

Q AND YOU INDULGED IN SEXUAL RELATIONS WITH HIM HOW MANY TIMES?

A ONE TIME.

Q AND YOU WERE NOT IN LOVE WITH HIM AND YOU GOT NO COMMERCIAL BENEFIT FROM IT WHATSOEVER?

A NO.

Q WERE YOU IMPRESSED BY HIM BECAUSE HE WAS IN THE ENTERTAINMENT BUSINESS?

A NO, SIR.

Q WERE YOU IMPRESSED BY HIM BECAUSE HE WAS A DISK JOCKEY?

A MORE OR LESS.

Q YOU KIND OF LIKED TO BE AROUND THAT SORT OF ATMOSPHERE

JUST AS OTHER GIRLS, YOU HAVE SAID, DID YOU NOT?

A I THOUGHT I DID.

Q GOT A CERTAIN PLEASURE OUT OF ASSOCIATING WITH THEM, AND, AS A MATTER OF FACT, YOU WENT FAR ENOUGH TO EVEN GIVE THEM YOUR SEXUAL FAVORS ON ONE OCCASION, MR. BOND?

A YES, SIR.

Q NOW, TOMMY BERGEN, LIKEWISE, WORKED AT KILT, DID HE NOT?

A YES, SIR.

Q AND HE WAS AN ASSISTANT TO THIS MAN, RUSS KNIGHT, WAS HE NOT?

A YES, SIR.

Q AND AMONG OTHER THINGS, HE HANDLED THE TELEPHONE WHEN VARIOUS LISTENERS WOULD CALL IN, HE CONDUCTED A TELEPHONE POLL, DID HE NOT, OF THE PEOPLE WHO WERE LISTENING TO RECORDS?

A SOMETIMES HE DID.

Q AND HE DID OTHER THINGS, HE ALSO LIKED, DID HE NOT, TO BE AROUND RADIO STATIONS AND PEOPLE AND DISK JOCKEYS?

A I WOULDN'T KNOW.

Q ALL RIGHT. DO YOU KNOW WHAT HE WAS BEING PAID?

A NO, SIR.

Q DO YOU KNOW WHAT HIS HOURS WERE?

A NO, SIR.

Q DO YOU KNOW THAT AT THAT TIME HE WAS ATTENDING THE UNIVERSITY OF HOUSTON IN THE DAYTIME, DON'T YOU?
A NO, HE WAS ATTENDING MILBY HIGH SCHOOL IN THE DAYTIME.
Q IN AUGUST OF 1965?
A NO, IN SEPTEMBER OF 1965.
Q AT THAT TIME, WAS HE A SENIOR?
A I DON'T KNOW, SIR.
Q AND TOMMY, LIKEWISE, WORKED, DID HE NOT, AT A PLACE CALLED NEWBERRY'S IN GULFGATE?
A YES, SIR.
Q AND THERE, HE WORKED IN A DEPARTMENT KNOWN AS THE RECORD DEPARTMENT WHICH SOLD POPULAR RECORDS SUCH AS WERE PLAYED ON KILT?
A YES, SIR.
Q AND YOU WENT OUT AND VISITED HIM THERE, DIDN'T YOU?
A YES, SIR.
Q AND HE WAS KIND OF AN IMPRESSIVE FIGURE TO YOU, WAS HE NOT, BECAUSE EVEN AS A YOUNG BOY HE WAS IN THE ENTERTAINMENT WORLD, AND HE KNEW DISK JOCKEYS AND HE MADE RECORDS HIMSELF AND SOLD THEM, ISN'T THAT SO?
A I WASN'T PARTICULARLY IMPRESSED BY HIM.
Q APART FROM THE SEXUAL INTIMACIES THAT YOU HAD WITH HIM, DID I UNDERSTAND YOU WENT OTHER PLACES WITH HIM?
A YES, SIR.
Q AND WHERE WERE THEY?

A TO THE MUSIC BUILDING.

Q THAT WOULD BE OUT ON EAST STERLING IN PASADENA, TEXAS?

A YES, SIR.

Q AND THAT'S A BUILDING, IS IT NOT, THAT SO FAR AS YOU KNEW, WAS OWNED AND OPERATED BY MR. HUEY MEAUX, RIGHT HERE?

A YES, SIR.

Q AND IT'S A RATHER LARGE BUILDING, AND AMONG OTHER THINGS IT CARRIES ON A RECORDING, OR HAS A RECORDING STUDIO FOR ARTISTS, SINGERS, AND MUSICIANS, DOES IT NOT?

A YES, SIR.

Q IN FACT, IT WAS MORE OR LESS CROWDED WITH PEOPLE MOST OF THE TIME YOU WENT?

A NO, SIR.

Q WAS NOT; WHEN YOU WENT, YOU WENT WITH TOMMY?

A YES, SIR.

Q AND ON ANY OF THE OCCASIONS YOU WENT THERE, WAS HE WORKING OR DOING ANYTHING THERE IN THE WAY OF EITHER PREPARING RECORDINGS OR WORKING A SOUND BOARD OR STUDYING SOME OF THEIR ACTIVITIES?

A NO, SIR.

Q WERE THESE VISITS BY YOU IN THE DAY OR NIGHT?

A BOTH.

Q BOTH; WHEN WAS THE FIRST TIME THAT YOU WENT THERE IN THE DAY THAT YOU KNOW ABOUT?

A I DON'T RECALL THE EXACT DATE, IT WAS ON A SUNDAY AFTERNOON.

Q YES, AND YOU HAVE MENTIONED A MR. DONALD SAPP, IF I UNDERSTOOD YOU CORRECTLY, HAVING AN OFFICE THERE. WAS HE THERE?

A ON THAT AFTERNOON?

Q YES.

A I DON'T RECALL.

Q WHO WAS THERE, IF YOU KNOW?

A HUEY MEAUX AND SOME JANITOR.

Q THIS WAS IN THE AFTERNOON ON A SUNDAY?

A YES, SIR.

Q NO ONE ELSE WAS THERE?

A NO, SIR, NOT THAT I KNOW OF.

Q CAN YOU FIX THAT DATE, OR AS CLOSE TO IT AS YOU CAN? WAS IT BEFORE, FOR EXAMPLE, SEPTEMBER THE 15TH?

A IT WAS BETWEEN SEPTEMBER THE 11TH AND OCTOBER, NO, IT WAS SEPTEMBER THE 17TH AND OCTOBER THE 11TH, 1965.

Q SO, YOU HAD ALREADY BEEN THERE ONCE BEFORE?

A YES, I WENT THERE ON SEVERAL OCCASIONS.

Q ALL RIGHT. NOW, THE FIRST TIME YOU WENT THERE AT ALL WAS WHEN, WAS IT SEPTEMBER THE 17TH?

A YES, SIR.

Q NOW, ON THAT OCCASION, IF I UNDERSTAND YOU CORRECTLY, FIRST, WHAT DAY OF THE WEEK WAS IT, IF YOU KNOW?

A IT WAS A FRIDAY NIGHT.

Q YOU SAID THAT TOMMY BERGEN HAD BEEN M.C.-ING A DANCE?

A YES, SIR.

Q AND WHAT DID HE DO, IF HE M.C.'D A DANCE, YOU WENT WITH HIM, I TAKE IT?

A YES, SIR.

Q WHAT DID HE DO?

A HE ANNOUNCED RECORDS AND --

Q OH, HE PLAYED RECORDS FOR THE DANCE?

A NO, HE ANNOUNCED RECORDS THAT WERE GOING TO BE PLAYED, HE ANNOUNCED GROUPS THAT WERE COMING UP TO SING.

Q A WHOLE SERIES OF ENTERTAINERS WERE BEING SHOWN THAT NIGHT? IS THAT RIGHT?

A YES, SIR.

Q WHAT IS THE NAME OF THIS PLACE?

A TEEN TOWN.

Q TEEN TOWN?

A YES, SIR.

Q HAD YOU BEEN THERE BEFORE?

A NO, SIR.

Q AND TOMMY WAS SORT OF HEAD MAN IN THIS SHOW?

A NO, SIR.

Q HE WAS IN CHARGE?
A NO, HE WAS JUST ANNOUNCING.
Q IF YOU KNOW, WAS HE THERE AS A PAID EMPLOYEE OF SOME KIND?
A I DON'T KNOW.
Q DID HE INTRODUCE YOU ON THAT OCCASION AS HIS WIFE?
A NO, SIR.
Q DID HE INTRODUCE YOU AS SOMEONE ENGAGED TO HIM AS HIS FIANCEE?
A NO, SIR.
Q BY WHAT NAME DID HE INTRODUCE YOU?
A HE DIDN'T INTRODUCE ME.
Q ALL RIGHT. WHAT TIME WAS THIS AFFAIR OVER?
A ABOUT 12:00.
Q AT NIGHT?
A YES, SIR.
Q FOLLOWING THAT, YOU WENT TO THE MUSIC BUILDING?
A YES, SIR.
Q AS I UNDERSTAND YOU TO SAY, IT WAS SOMEWHERE DIRECTLY ACROSS THE STREET?
A YES, SIR.
Q AND ON THIS OCCASION, SEPTEMBER THE 17TH, A FRIDAY NIGHT, 1965, YOU WENT THERE AT MIDNIGHT,; DID YOU KNOW OR DID TOMMY TELL YOU WHO YOU WERE GOING TO SEE?
A YES, SIR.

Q WHAT DID HE TELL YOU?

A HE TOLD ME THAT WE WERE GOING TO SEE HUEY MEAUX AND TALK ABOUT THE TRIP.

Q BY "THE TRIP," IT HAD NOW BEEN ESTABLISHED AS THE TRIP TO NASHVILLE?

A YES.

Q BY WHOM, SINCE YOU HADN'T TALKED TO ANYBODY BUT TOMMY?

A BY TOMMY.

Q TOMMY TOLD YOU ON SEPTEMBER THE 17TH, OR ESTABLISHED WITH YOU THAT YOU WERE GOING TO NASHVILLE, TENNESSEE?

A YES, SIR.

Q CORRECT?

A YES, SIR.

Q AND USING THE TERM "PROMOTION ASSISTANT" --

THE REPORTER: JUST A MOMENT, I'M OUT OF PAPER.

Q AT THAT TIME, DID YOU UNDERSTAND THAT YOU WERE GOING TO NASHVILLE TO ENGAGE IN SEXUAL PROSTITUTION BEFORE YOU TALKED TO HUEY MEAUX?

A YES, SIR.

Q AND THAT YOU WERE GOING TO GET MONEY FOR IT?

A I HADN'T TALKED TO ANYONE ABOUT THE BUSINESS OF MONEY.

Q YOU HADN'T TOLD TOMMY BERGEN THAT YOU NEEDED MONEY TO PAY OFF SOME CHARGE ACCOUNTS AT JOSKE'S?

AND THAT YOU WERE WILLING TO MAKE THIS TRIP TO GET

THE MONEY?

A YES, SIR.

Q YOU HAD TOLD HIM THAT?

A YES, SIR.

Q SO, YOU WERE INTENDING BEFORE YOU WENT TO SEE HUEY MEAUX TO GO TO NASHVILLE TO ENGAGE IN PROSTITUTION FOR MONEY?

A YES, SIR.

Q ALL RIGHT. SO INSOFAR AS THE TRIP WAS CONCERNED, AS FAR AS THE VISIT WAS CONCERNED, IT WAS JUST TO ESTABLISH SOME DETAILS, RIGHT?

A NO, SIR.

Q ALL RIGHT. THEN, WHAT ACTUALLY, I WANT YOU TO TELL ME NOW, FIRST, WHO WAS PRESENT ON THIS MIDNIGHT VISIT?

A HUEY MEAUX, CHARLIE BOOTH AND TOMMY BERGEN.

Q SINCE YOU WENT WITH TOMMY BERGEN, WERE BOTH MR. MEAUX AND MR. BOOTH IN THESE OFFICES AT MIDNIGHT?

A YES, SIR.

Q IN THE SAME OFFICE?

A YES, SIR.

Q WHAT WERE THEY DOING WHEN YOU ARRIVED?

A TALKING.

Q ALL RIGHT, AND YOU WERE INTRODUCED?

A YES, SIR.

Q AND FROM THAT POINT ON, TELL ME, FIRST, HOW MR. BERGEN

INTRODUCED YOU AND EXACTLY WHAT HE SAID.

A HE INTRODUCED ME AS LYNDA ELLIS.

Q LYNDA ELLIS?

A YES, SIR.

Q ALL RIGHT.

A AND THEN, HE SAT DOWN, AND MR. MEAUX ASKED ME IF I WANTED TO GO TO NASHVILLE WITH HIM.

Q WITH MR. MEAUX?

A YES, SIR.

Q ALL RIGHT.

A AND TOMMY SAID, "YES."

AND SO I SAID, "YES."

AND THEN, HE MADE ME SIT ON HIS LAP.

Q WHO DID? WHO MADE YOU?

A MR. MEAUX.

Q HOW DID HE MAKE YOU SIT ON HIS LAP?

A SAID, "COME AND SIT ON MY LAP." AND SO I ASKED HIM WHAT THE TRIP TO NASHVILLE WAS FOR AND HE SAID THERE WAS GOING TO BE A CONVENTION THERE AND A LOT OF BIG RECORD PEOPLE THERE AND HE NEEDED A GIRL TO GO WITH HIM AS A PROMOTION ASSISTANT, AND HE SAID THAT THE ROOMS WERE ALREADY RESERVED AHEAD OF TIME AND I WOULD PROBABLY BE MAKING ABOUT A HUNDRED DOLLARS A NIGHT.

Q YES.

A SO, I SAID, I LOOKED AT TOMMY AND TOMMY SAID, "SAY YES."

AND I SAID, "OKAY, I'LL HAVE TO SEE."

Q TOMMY SAID, "SAY YES"?

A YES, SIR.

Q AND YOU SAID, "OKAY, I'LL HAVE TO SEE"?

A YES, SIR.

Q WHOM WERE YOU GOING TO SEE?

A I WOULD HAVE TO SEE IF I COULD GO.

Q BY THAT, DO YOU MEAN TO GET PERMISSION FROM YOUR PARENTS?

A YES, SIR.

Q HAD YOU ASKED YOUR PARENTS FOR PERMISSION TO HAVE THESE SEXUAL INTIMACIES YOU HAD WITH EITHER JAMES BOND OR THE BOY UP TO JUNE OF 1965 OR TOMMY BERGEN?

A NO, SIR.

Q WAS THAT BECAUSE THEY WERE ALL HANDY AND RIGHT IN TOWN AND YOU DIDN'T HAVE TO GET PERMISSION TO BE OUT FOR THAT?

A NO, I HAD TO GET PERMISSION TO GO OUT, LEAVE THE HOUSE.

Q AND HAD YOU GOTTEN PERMISSION TO GO TO TEEN TOWN THAT NIGHT WITH TOMMY BERGEN?

A YES, SIR.

Q DID HE COME BY YOUR HOUSE AND PICK YOU UP?

A YES, SIR.

Q ALL RIGHT. NOW, YOU HAVE SAID, YOU HAVE TOLD ME SOME OF THE CONVERSATIONS THAT TOOK PLACE ON SEPTEMBER THE 17TH UP TO THE POINT WHERE YOU SAID, "I'LL HAVE TO SEE."

A YES, SIR.

Q WHAT ELSE WAS SAID BY ANYONE PRESENT AND, OF COURSE, I MEAN FOR YOU TO RELATE IT IN THE ORDER IN WHICH IT OCCURRED?

A NOTHING ELSE OF ANY IMPORTANCE. BY THAT, I MEAN, NOTHING ELSE RELATING TO THE TRIP OR ANYTHING ELSE. IT WAS MOSTLY BUSINESS TALK.

Q SINCE YOU HAVE SAID YOU HAD TO SEE WHETHER OR NOT YOU COULD GET PERMISSION FROM YOUR PARENTS TO GO, ARE YOU SURE THAT YOU DIDN'T IN ANY WAY DISCUSS WHETHER OR NOT YOU WERE WILLING TO GO IF YOU GOT PERMISSION?

A NO, SIR.

Q DID YOU IN ANY WAY EXPRESS YOURSELF AS BEING OFFENDED BY THIS PROPOSAL?

A NO, SIR.

Q WERE YOU OFFENDED BY IT?

A YES, SIR.

Q YOU WERE?

A YES, SIR.

Q YOU NEVER EXPRESSED IT, HOWEVER?

A NO, SIR.

Q TO ANYONE, THE FACT THAT YOU CONSIDERED THIS AN UNUSUAL PROPOSAL?

A NO, SIR.

Q NEVER TOLD YOUR PARENTS ABOUT IT?

A NO -- YES, I DID.

Q WHEN?

A ABOUT TWO MONTHS AGO.

Q TWO MONTHS AGO?

A YES, SIR.

Q THAT WAS LONG AFTER YOU HAD GIVEN A STATEMENT, WAS IT NOT?

A YES, SIR.

Q TO THE -- TO MR. HATTINGER HERE, FOR EXAMPLE?

A YES, SIR.

Q AND LONG AFTER YOU HAD DISCUSSED IT WITH TOMMY?

A YES, SIR.

Q DID YOU EVER MAKE ANY PROTEST TO TOMMY?

A NO.

Q NOW, YOU HAVE, IN DISCUSSING THIS CONVERSATION SEVERAL TIMES, SAID TOMMY TOLD YOU WHAT TO SAY, "SAY YES, DO THIS, DO THAT." AND I WILL ASK YOU, HAD TOMMY IN ANY WAY UP TO THAT TIME THREATENED YOU?

A NO, SIR.

Q HAD HE BEATEN YOU?

A NO, SIR.

Q HAD HE DONE ANYTHING THAT PUT YOU UNDER FEAR?

A NO, SIR.

Q DID HE EVER?

A NO, SIR.

Q YOU HAD ALREADY HAD SEXUAL INTERCOURSE WITH HIM?
A YES, SIR.
Q AND DID YOU WANT TO PLEASE HIM?
A NO, SIR.
Q DIDN'T WANT TO DO THAT?
A NO, SIR.
Q THEN, WHEN HE SAID, "DO THIS," LIKE SIT ON A MAN'S LAP, OR WHAT YOU WERE TO SAY, ARE YOU TELLING US THAT YOU DID IT WITHOUT EITHER FEAR OF ANY KIND, OF ANYTHING HE MIGHT DO TO YOU, OR, ALTERNATELY, WITHOUT HOPE OF ANY BENEFIT OR RESPONSE OR FRIENDLY ATTITUDE TOWARD YOU? YOU JUST DID IT BECAUSE HE SAID IT, RIGHT?
A I DID BECAUSE I NEEDED THE MONEY AND I FIGURED IF I DID WHAT HE SAID, I WOULD GET IT.
Q YOU WOULD DO ANYTHING THAT TOMMY TOLD YOU, IF I UNDERSTAND YOU CORRECTLY, TO GET THE MONEY YOU WANTED, WHICH WAS FIFTY DOLLARS?
A YES, SIR.
Q WHETHER OR NOT IT OFFENDED YOU?
A TO A CERTAIN EXTENT.
Q ALL RIGHT. AT THE TIME YOU WENT TO SEE DR. TED SCHAFER, YOU TOLD HIM YOU WERE MARRIED, DID YOU NOT?
A YES, SIR.
Q HOW MANY TIMES DID YOU SEE HIM?
A ONE TIME.

Q HOW MANY TIMES DID YOU GET THESE BIRTH CONTROL PILLS FROM HIM?

A ONE TIME.

Q BY THAT, DID YOU GET PILLS FROM HIM AND A PRESCRIPTION, OR DID YOU JUST GET PILLS, CAPSULES?

A GOT PILLS AND A PRESCRIPTION.

Q DID YOU REFILL THE PRESCRIPTION, DID YOU FILL THE PRESCRIPTION?

A YES, SIR.

Q HOW MANY DID YOU GET?

A ONE HUNDRED PILLS.

Q SO, HE GAVE YOU SOME, AND THEN, YOU WENT BACK AND GOT ANOTHER HUNDRED, RIGHT?

A NO, HE GAVE ME A FEW TO TIDE ME OVER TILL I GOT THE PRESCRIPTION FILLED THAT HE GAVE ME.

Q HOW MANY DID YOU NEED TO TIDE YOU OVER?

A ABOUT, WELL, I DIDN'T NEED ANY TO TIDE ME OVER BECAUSE I WENT RIGHT DOWN AND GOT THE PRESCRIPTION FILLED.

Q HOW MANY DID HE GIVE YOU THAT LED YOU TO BELIEVE THAT YOU NEEDED ANY TO TIDE YOU OVER?

A I DIDN'T TELL HIM THAT I NEEDED ANY TO TIDE ME OVER. HE GAVE ME SOME BUT I NEVER LOOKED AT THE AMOUNT.

Q ALL RIGHT. WAS IT AT LEAST FIFTEEN OR TWENTY, LITTLE BOTTLE FULL?

A NO, IT WAS IN A LITTLE ROUND THING.
Q LITTLE BOX?
A YES, SIR.
Q ALL RIGHT. I'M STILL WANTING TO KNOW ABOUT HOW MANY YOU GOT, DID YOU GET MORE THAN TEN?
A YES, I GOT BETWEEN TEN AND FIFTEEN.
Q ALL RIGHT. HOW MANY OF THESE PILLS DID YOU TAKE A DAY?
A ONE.
Q SO, YOU GOT ENOUGH PILLS TO LAST YOU FOR TEN DAYS, RIGHT?
A YES, SIR.
Q AFTER THAT, YOU WENT DOWN AND GOT THE PRESCRIPTION FILLED THE VERY SAME DAY?
A NO, SIR.
Q I MISUNDERSTOOD YOU. I THOUGHT YOU SAID THAT YOU DID.
A NO, I WENT DOWN THE NEXT DAY.
Q NEXT DAY?
A YES, SIR.
Q DO YOU KNOW WHAT DAY THAT WAS?
A IT WAS SEPTEMBER THE 1ST, 1965.
Q ALL RIGHT, AND, AT THAT TIME, YOU DID NOT KNOW HUEY MEAUX, DID YOU?
A NO, SIR.
Q YOU DID NOT KNOW CHARLIE BOOTH?
A NO, SIR.
Q DID NOT KNOW PETER GARRIS?

A NO, SIR.
Q YOU DIDN'T EVEN KNOW THEIR NAMES?
A YES, SIR.
Q ON SEPTEMBER THE 1ST, DID YOU?
A YES, SIR.
Q OH, AND THEN, WHERE DID YOU LEARN THEIR NAMES ON SEPTEMBER THE 1ST?
A FROM TOMMY BERGEN.
Q ALL RIGHT. TELL ME THAT CONVERSATION AND WHAT WAS SAID IN IT AND TELL ME WHAT DAY IT HAPPENED.
A I DON'T KNOW THE DATE. IT WAS ONE NIGHT AT KILT AND HE SAID THAT IT WAS THE NIGHT HE TOLD ME ABOUT THE TRIP.
Q PARDON ME, I DON'T REALLY MEAN TO INTERRUPT YOU, BUT YOU'VE ALREADY SAID THAT WAS THE 27TH OF AUGUST.
A NO, I DID NOT ESTABLISH THE DATE.
Q WELL, I'M GOING TO RUN THIS OVER QUICKLY JUST TO BE SURE I UNDERSTAND THAT YOU WENT ON THE 24TH TO BARRIE'S AND THAT ON THE 25TH, WHICH WAS THE MORNING --
A YES.
Q -- YOU MET TOMMY AND HE TOLD YOU TO CALL HIM AT KILT THAT NIGHT, THAT'S STILL THE 25TH, AND YOU CALLED HIM?
A YES, SIR.
Q AND YOU WENT DOWN ON THE 26TH?
A YES, SIR.

Q ALL RIGHT. AND THERE, YOU HAD A CONVERSATION?
A YES, SIR. I SAID THAT --
Q WAS THAT THE CONVERSATION YOU'RE TELLING ME NOW THAT HE MENTIONED ALL THESE NAMES TO YOU?
A YES, AND IN SUBSEQUENT CONVERSATIONS.
Q FIRST, NOW, ON THE VERY FIRST CONVERSATION, HE SAID, "YOU'RE GOING TO NASHVILLE"?
A NO.
Q EXCUSE ME. BEG YOUR PARDON. I DIDN'T UNDERSTAND THAT. "YOU'RE GOING ON A TRIP," WHETHER HE SAID IT IN THESE WORDS OR NOT, "YOU'RE GOING TO ENTER COMMERCIALIZED PROSTITUTION FOR GAIN; YOU'LL GET SOME MONEY OUT OF THIS AND YOU'RE GOING TO DO IT." AND YOU TELL ME IF I'M WRONG.
A NO, SIR.
Q DIDN'T SAY THAT?
A NO.
Q WELL, THEN, HOW DID THEIR NAMES COMES INTO IT?
A HE SAID THAT I WOULD PROBABLY TAKE A TRIP WITH SOME GUYS THAT WORKED OUT AT THE MUSIC BUILDING AND HE SAID THAT CHARLIE BOOTH WAS GOING TO COME OUT AND EXPLAIN MORE ABOUT IT, AND THEN, WE WOULD GO AND SEE HUEY MEAUX, WHO WAS GOING TO HANDLE IT AND CHARLIE BOOTH NEVER CAME OUT AND WE NEVER GOT AROUND TO SEEING HUEY MEAUX UNTIL ABOUT THE 17TH OF SEPTEMBER.

Q MY QUESTION, MA'AM, IS DID ALL THIS DISCUSSION TAKE PLACE ON THE VERY FIRST DAY YOU DISCUSSED GOING ON A TRIP SOMEWHERE AND DID YOU COME INTO THESE NAMES AND YOU KNEW ABOUT HUEY MEAUX THEN?

A NO, SIR.

Q THE VERY FIRST DAY?

A YES.

Q AND CHARLIE BOOTH?

A YES.

Q AND PETER GARRIS?

A NO.

Q AND YOU SAID THEN THAT THE TIME YOU WENT OUT TO TEEN TOWN, THE TEEN TOWN AFFAIR, THAT HE SAID MORE ABOUT IT LATER ON; WHAT MORE DID TOMMY SAY ABOUT IT BETWEEN THAT AND YOUR VISIT --

A OH, HE KEPT GIVING LITTLE BITS OF INFORMATION. HE SAID THAT THE TRIP WAS SHAPING UP.

Q YES.

A AND, "THEY ARE GETTING IT MORE ORGANIZED."

Q DID HE TELL YOU HOW IT WAS ORGANIZED?

A NO, HE JUST SAID IT WAS GETTING MORE ORGANIZED.

Q ALL RIGHT. DID HE TELL YOU WHEN YOU WERE GOING?

A NO, SIR.

Q DID HE TELL YOU THE KIND OF CONVENTION IT WAS AT THIS EARLY PERIOD?

Q DID YOU KNOW WHAT KIND OF CONVENTION IT WAS? BY THAT, I MEAN, WHETHER OR NOT IT WAS A CONVENTION, FOR EXAMPLE, OF APPLIANCE SALESMEN OR MUSICIANS OR WHAT?

A I KNEW IT WAS A MUSIC CONVENTION.

Q BY THE WAY, THIS CONVENTION THAT YOU ARE TALKING ABOUT, IS THAT OF THE COUNTRY MUSIC ASSOCIATION, IS IT NOT?

A YES, SIR.

Q AND YOU LEARNED THAT, AT LEAST, WHEN YOU GOT THERE?

A NO, I LEARNED THAT WHEN I WENT TO TALK TO HUEY MEAUX ON THE 17TH OF SEPTEMBER, '66.

Q ALL RIGHT. WHEN YOU GOT TO NASHVILLE, YOU LEARNED THAT IT WAS A RATHER ENORMOUS AFFAIR, THAT THERE WERE THOUSANDS AND THOUSANDS OF MUSICIANS AND ENTERTAINERS THERE?

A NO, I DIDN'T CIRCULATE THAT MUCH.

Q YOU DIDN'T REALIZE, FOR EXAMPLE, THAT THE PLACE WHERE YOU STAYED WAS JUST JAMMED WITH DELEGATES, MEMBERS?

A EVERY ROOM WAS FILLED, BUT THAT'S NOT THOUSANDS OF PEOPLE.

Q I UNDERSTAND, BUT YOU WERE AWARE OF THE FACT THAT THIS CONVENTION WAS BEING HELD IN AT LEAST THREE OR FOUR MOTELS, YOU LEARNED THAT, DIDN'T YOU?

A YES, SIR.

Q AS A MATTER OF FACT, DIDN'T YOU LEAVE WHERE YOU STAYED AND GO WITH TOMMY BERGEN AND STEVE TYRELL TO SOME OTHER

PLACE TO SEE IT OR SOME BANQUET OR SOME PLACE LIKE THAT DURING THE CONVENTION?

A NO.

Q YOU NEVER WENT TO ANY OTHER BUILDING OR CONVENTION AFFAIR OF ANY KIND?

A I WENT TO OTHER BUILDINGS.

Q WHAT WERE THEY?

A I WENT TO HAVE MY HAIR DONE AND I WENT TO WALGREEN'S TO EAT.

Q THAT WAS IN DOWNTOWN NASHVILLE?

A THAT WAS ACROSS THE STREET, AND I WENT TO THE TREE RECORDING STUDIO.

Q WENT TO A RECORDING STUDIO?

A WITH JOHN, JOHN HURLEY.

Q WHAT DAY WAS THAT?

A THAT WAS PROBABLY AROUND THE 20TH, 21ST, RIGHT BEFORE I LEFT.

Q BY THE WAY, DO YOU KNOW WHAT DAY OF THE WEEK YOU LEFT TO GO TO NASHVILLE ON OCTOBER OF 1965?

A I BELIEVE IT WAS A MONDAY.

Q ALL RIGHT. SO IF A MONDAY WAS IT, I BELIEVE YOU SAID YOU LEFT ON THE --

A 17TH.

Q -- 17TH, AND I WANT TO BE ABSOLUTELY SURE ABOUT THIS, YOU WOULD HAVE ARRIVED THE NEXT DAY, WHICH WOULD BE A

TUESDAY, RIGHT?

A YES, SIR.

Q AND YOU ARRIVED LATE IN THE AFTERNOON, BY THAT, I MEAN IF I UNDERSTOOD YOU, 5:00 P.M., 5:00 OR 6:00 P.M.?

A YES, SIR.

Q AROUND THAT, AND THAT EVENING YOU HAD NOTHING TO DO WITH ANYBODY EXCEPT TO GO TO YOUR ROOM AND SLEEP, AND PERHAPS COME DOWN AND HAVE A BIT TO EAT?

A YES, SIR.

Q YOU DIDN'T HAVE ANY SEXUAL AFFAIRS WITH ANYBODY?

A NO, SIR.

Q WITH TOMMY BERGEN?

A NO, SIR.

Q YOU STAYED IN THE ROOM ALONE?

A YES.

Q AND WHEN YOU ARRIVED, YOU WERE INTRODUCED AS LYNDA ELLIS, WERE YOU, BY TOMMY?

A NO, I WASN'T INTRODUCED.

Q WASN'T INTRODUCED TO ANYBODY?

A NOT BY TOMMY.

Q ALL RIGHT. WERE YOU INTRODUCED BY ANYBODY ELSE?

A YES.

Q TO WHOM?

A TO WHOM?

Q YES.

A TO PETER GARRIS.

Q ON THE DAY YOU ARRIVED?

A NO, SIR.

Q ALL RIGHT. WE'RE TALKING ABOUT ON THE DAY YOU ARRIVED. WHO WERE YOU INTRODUCED TO ON THE DAY YOU ARRIVED?

A NOBODY.

Q NOBODY; AND YOU WENT TO BE ALONE AND STAYED ALONE THAT NIGHT, IF I UNDERSTAND IT?

A YES, SIR.

Q YOU WEREN'T EXPECTING TO GET A HUNDRED DOLLARS FOR THAT, WERE YOU?

A I DIDN'T KNOW, SIR.

Q WERE YOU EXPECTING TO GET IT?

A I DIDN'T GIVE IT THAT MUCH THOUGHT.

Q AS BADLY AS YOU NEEDED MONEY, IT DIDN'T MATTER ONE WAY OR THE OTHER?

A I WAS TOLD I WOULD AVERAGE A HUNDRED DOLLARS A NIGHT, I WOULD GET IT IN A LUMP SUM.

Q I SEE. SINCE YOU WERE TOLD THAT, DID THEY TELL YOU FOR HOW MANY NIGHTS THAT IT WOULD AVERAGE OUT?

A NO, SIR.

Q AND YOU DIDN'T KNOW WHETHER OR NOT THAT NIGHT WAS GOING TO BE INCLUDED IN THE AVERAGE OR NOT, RIGHT?

A NO, SIR.

Q ALL RIGHT. NOW, THE NEXT DAY, WHICH WOULD HAVE BEEN WEDNESDAY, CORRECT?
A YES, SIR.
Q YOU FIRST HAD YOUR HAIR DONE?
A YES, SIR.
Q AND, YOU WENT TO TOWN, OR SOME PLACE, AND LOOKED AROUND THE COMMUNITY?
A YES.
Q AND CAME BACK IN THE LATE AFTERNOON?
A YES, SIR.
Q AND UP TO THAT TIME, YOU HAD HAD SEXUAL INTERCOURSE WITH NO ONE?
A YES, SIR.
Q ON THAT TRIP?
A YES, SIR.
Q AND IT WAS THAT NIGHT, IF I UNDERSTAND YOU, THAT YOU FIRST SAY YOU HAD A CONVERSATION WITH MR. MEAUX AND MR. GARRIS?
A YES, SIR.
Q AND THAT THEY OUTLINED TO YOU IN A ROOM IN WHICH NO ONE ELSE WAS PRESENT, RIGHT --
A YES, SIR.
Q TOMMY BERGEN WASN'T THERE?
A NO, SIR.
Q -- WHAT IT WAS THAT YOU WERE TO DO?

A NO, SIR.

Q FIRST, IF I UNDERSTAND YOU, THEY MERELY, YOU WENT TO THE ROOM OF HUEY MEAUX WHERE PETER GARRIS AND STEVE TYRELL WERE?

A YES, SIR.

Q AND REMOVED A PART OF YOUR GARMENTS AND PUT IT BACK?

A YES, SIR.

Q AND NO OTHER DISCUSSION TOOK PLACE?

A NO, SIR.

Q AT THAT TIME, WERE YOU INTRODUCED BY ANY NAME TO MR. TYRELL OR MR. GARRIS?

A YES, SIR.

Q AS WHAT?

A LYNDA.

Q JUST LYNDA?

A YES, SIR.

Q AT THAT TIME, OR AT ANY TIME, WERE YOU INTRODUCED AS TOMMY BERGEN'S FIANCEE OR GIRL FRIEND?

A NO, SIR.

Q DID YOU EVER TELL ANYBODY --

A NO, SIR.

Q -- THAT YOU WERE TOMMY BERGEN'S FIANCEE?

A NO, SIR.

Q YOU NEVER TOLD ANYBODY BEFORE THE TRIP THAT YOU WERE?

A NO, SIR.

Q DID YOU EVER TELL ANYBODY THAT YOU WERE HIS GIRL FRIEND?
A NO, SIR.
Q NOT AT ANY TIME?
A NO, SIR.
Q ALL RIGHT. THEN, AS I UNDERSTAND IT, THAT SAME NIGHT, LATER, YOU WENT TO MR. GARRIS' ROOM?
A YES, SIR.
Q ABOUT WHAT TIME WAS THAT?
A ABOUT 11:00.
Q AND THAT WAS THE FIRST OCCASION, IF I UNDERSTAND YOU, THAT YOU HAD SEXUAL INTIMACIES ON THAT TRIP?
A NO, SIR.
Q OH, WELL, THEN, I'VE LOST TRACK. I'M SORRY, AND I DON'T MEAN TO MISLEAD YOU. I BEG YOUR PARDON.
WHAT WAS THE FIRST OCCASION, IF YOU WILL TELL ME AGAIN?
A IT WAS LATER ON THAT NIGHT WITH HUEY MEAUX.
Q I SEE.
THEN, WHEN YOU WENT TO MR. GARRIS' ROOM THERE WAS NONE?
A NO, SIR.
Q ALL RIGHT. BY "LATER ON," HOW MUCH LATER ON? WHEN? WHAT HOUR? WHAT TIME?
A ABOUT 2:00 O'CLOCK.
Q THAT WAS YOUR FIRST --

A YES, SIR.
Q ALL RIGHT. THEN, IF I UNDERSTAND YOU CORRECTLY, YOU GOT UP AND WENT BACK TO SOME ROOM?
A YES, SIR.
Q WHICH ROOM?
A HUEY MEAUX.
Q WELL, WEREN'T YOU IN IT ALREADY?
A NO.
Q ALL RIGHT. THEN, IN WHAT ROOM DO YOU SAY THIS SEXUAL INTIMACY TOOK PLACE WITH MR. MEAUX?
A IT WAS IN HIS ROOM. I HAD GONE FROM MY ROOM AND WENT TO HIS ROOM.
Q ALL RIGHT. THEN, AGAIN, I'LL ASK YOU THE QUESTION, WHEN YOU LEFT THAT ROOM WHERE DID YOU GO?
A BACK TO MY ROOM. I DIDN'T LEAVE THAT ROOM TILL THE NEXT MORNING BECAUSE I WAS AFRAID TO STAY IN MY ROOM BY MYSELF.
Q YOU STAYED IN MR. MEAUX'S ROOM ALL NIGHT?
A YES, SIR.
Q NO ONE ELSE WAS THERE?
A NO, SIR.
Q SO, IT WAS NOT TILL THURSDAY THAT YOU WENT BACK TO YOUR ROOM?
A YES.
Q WELL, EARLIER IN YOUR ANSWERS TO COUNSEL HERE, YOU

SAID THAT LATER THE SAME NIGHT, YOU HAD OTHER MEN, HAD INTIMACIES WITH OTHER MEN, NO MATTER WHAT ROOM IT WAS, THAT'S WRONG?

A I DIDN'T SAY THAT.

Q ALL RIGHT. LET'S PUT IT THIS WAY, IT IS A FACT THAT THERE WAS ONLY ONE ACT OF SEXUAL INTIMACY, IF ANY --

A ON THE SECOND DAY.

Q ON THE SECOND DAY, AND THAT DIDN'T HAPPEN UNTIL 2:00 O'CLOCK OF THE THIRD DAY, 2:00 A.M.?

A YES, SIR.

Q SO, IT WOULD BE THE THIRD DAY, WOULDN'T IT?

A YES, SIR.

Q ALL RIGHT. THEN, ALL THE OTHER ACTS OF INTIMACY THAT YOU HAVE RELATED --

A YES, SIR.

Q THIS THIRD DAY WOULD THE THURSDAY, WOULDN'T IT?

A YES, SIR.

Q -- ALL TOOK PLACE ON THURSDAY?

A AND FRIDAY.

Q ALL RIGHT. SO, THERE WERE BOTH THURSDAY AND FRIDAY?

A YES, SIR.

Q -- INVOLVED NOW. ALL RIGHT.

NOW, YOU WENT BACK THURSDAY MORNING TO YOUR ROOM?

A YES, SIR.

Q I TAKE IT THAT YOU POPPED ANOTHER BIRTH CONTROL PILL IN YOUR MOUTH THAT MORNING?

A NO.

Q YOU DID NOT?

A NO.

Q ALL RIGHT. WHAT DID YOU DO DURING THE DAY ON THURSDAY, DID YOU SLEEP ANY?

A NO, I WENT TO SLEEP ABOUT 11:00 O'CLOCK THURSDAY NIGHT.

Q ALL RIGHT. SO, BETWEEN THE TIME YOU WENT BACK TO YOUR ROOM ON THURSDAY AND 11:00 O'CLOCK THURSDAY NIGHT, TELL ME AGAIN WHAT YOU DID.

A I WENT TO MR. REGAN'S ROOM.

Q IMMEDIATELY AFTER YOU GOT BACK TO YOUR ROOM?

A NO, MR. GARRIS CALLED, AND THEN, CAME TO MY ROOM.

Q WHAT TIME WAS THAT?

A I DON'T KNOW, SIR.

Q WELL, ALL RIGHT. I'M TRYING TO FIND OUT, AND I DON'T MEAN TO BELABOR IT.

WAS IT IN THE MORNING?

A YES, SIR.

Q SO, YOU GOT BACK TO YOUR ROOM AND FRESHENED UP, I TAKE IT?

A YES, SIR.

Q AND CHANGED CLOTHES?

A YES, SIR.

Q HAVING DONE THAT, YOU JUST SAT IN THE ROOM AND A TELEPHONE CALL CAME FROM MR. GARRIS?
A YES, SIR.
Q LET'S SEE, WAS THAT AROUND 10:00 OR 11:00 IN THE MORNING?
A APPROXIMATELY.
Q ALL RIGHT, AND THEN, YOU WENT TO HIS ROOM?
A YES, SIR.
Q AND STAYED THERE?
A NO, SIR.
Q ALL RIGHT.
A I WENT TO RUSS REGAN'S ROOM AND I WENT TO BILL DRAKE'S ROOM, AND THEN, I MOVED IN GARRIS' ROOM.
Q ALL RIGHT. SO, ON THURSDAY YOU MOVED IN A ROOM WITH STEVE TYRELL, DIDN'T YOU?
A AND PETER GARRIS.
Q ALL RIGHT. THEY WERE STAYING IN THE ROOM TOGETHER?
A YES, SIR.
Q YOU HAD, BY THIS TIME, MET STEVE TYRELL, HADN'T YOU?
A YES, SIR.
Q YOU HAD HAD A MEAL WITH HIM, HADN'T YOU?
A YES.
Q AND YOU HAD IT IN THE MOTEL RESTAURANT?
A YES, SIR.
Q AND IF THERE WAS EVER A HANDSOME DOG, IT'S STEVE

TYRELL; HE'S A GOOD-LOOKING KID.

A HE'S FAT.

Q HE'S FAT -- WELL, HE'S CERTAINLY NOT AS FAT AS I AM, IS HE?

A ABOUT.

Q BUT, YOU BECAME FOND OF STEVE TYRELL PRETTY FAST, DIDN'T YOU?

A NO, SIR.

Q YOU DID NOT?

A NO. I LIKED HIM BETTER THAN ANYONE ELSE THERE, WHICH WASN'T MUCH.

Q ALL RIGHT. SO YOU WENT TO MR. GARRIS' ROOM ON THURSDAY, AND DID YOU HAVE SEXUAL INTERCOURSE WITH HIM AT THAT TIME?

A NO, SIR.

Q YOU DID NOT; YOU JUST MERELY WENT ON TO SOMEBODY ELSE'S NAMED RUSS REGAN AND ON TO SOMEBODY ELSE NAMED BILL DRAKE?

A YES.

Q THEIR ROOMS -- AND THEN, WHERE DID YOU GO FROM MR. DRAKE'S ROOM?

A I WENT, AND I MOVED MY STUFF TO MR. GARRIS' ROOM BECAUSE FLORENCE AND DION WARWICK HAD COME INTO TOWN AND THEY NEEDED MY ROOM.

Q YES, AND YOU STAYED THERE UNTIL THE TIME OF YOUR

DEPARTURE?

A I WAS IN AND OUT OF THE ROOM.

Q DID YOU SLEEP THERE?

A YES, SIR.

Q DID YOU SLEEP WITH STEVE?

A I WENT TO SLEEP BY MYSELF. WHEN I WOKED UP, HE WAS THERE. HE CAME IN LATER THAN I DID.

Q ALL RIGHT. NOW, YOU HAVE SAID, IF I UNDERSTAND YOU CORRECTLY, THAT YOU HAD OTHER SEXUAL INTIMACIES THAT DAY, I'M SPEAKING NOW OF THURSDAY AFTER YOU MOVED TO MR. GARRIS' ROOM?

A YES.

Q AND YOU DON'T KNOW THEIR NAMES?

A NO, SIR.

Q YOU DON'T KNOW HOW MANY THERE WERE?

A IT WAS ONE, OR POSSIBLY TWO.

Q AND YOU DON'T REALLY KNOW WHETHER IT WAS ONE OR TWO?

A NO, SIR.

Q WELL, I CAN SEE HOW, IF IT WERE FIFTEEN OR TWENTY YOU WOULDN'T KNOW EXACTLY, BUT YOU CAN'T BE SURE WHETHER IT WAS ONE OR TWO?

A NO.

Q DO YOU KNOW WHERE YOU WENT --

A NO.

Q -- TO DO THIS?

A IT WAS SOMEONE'S ROOM, IT WAS ON THE SECOND FLOOR.

Q AND WHO WAS IT THAT TOOK YOU TO THESE ROOMS, OR HOW DID THEY DO, COME AND GET YOU?

A NO, PETER GARRIS TOOK ME THERE.

Q AND, IF I UNDERSTAND YOU CORRECTLY, THEN, EACH TIME, YOU WOULD, AFTER YOU MOVED INTO HIS ROOM, THAT YOU WENT ANYWHERE, THEY WOULD CONDUCT YOU?

A YES.

Q AND HE WOULD PUT YOU IN A ROOM AND SAY, "HERE'S A MAN," OR INTRODUCE YOU IN SOME FASHION?

A YES.

Q AND LEAVE YOU THERE?

A YES, SIR.

Q THEN, WOULD HE COME AND GET YOU?

A NO.

Q WHENEVER YOU FINISHED THAT ACTIVITY, WOULD YOU VOLUNTARILY GO BACK TO MR. GARRIS' ROOM?

A SOMETIMES.

Q WHERE ELSE DID YOU GO?

A I WENT AROUND NASHVILLE AND LOOKED AROUND.

Q WELL, HOW MUCH TIME DID YOU HAVE TO GO LOOKING AROUND NASHVILLE ON THURSDAY STARTING OUT AT 11:00 O'CLOCK IN THE MORNING, GOING TO MR. GARRIS' ROOM AND MOVING YOUR LUGGAGE AND EQUIPMENT LATER AND HAVING SOME SORT OF SEXUAL ARRANGEMENT WITH MR. REGAN, IF YOU DID,

AND THEN, MR. DRAKE, IF YOU DID, AND THEN, WITH ONE OR TWO MORE, IF YOU DID, WHEN DID YOU SANDWICH IN YOUR VISITS TO NASHVILLE?

A OH, BEFORE DINNER TIME.

Q AND WHEN WAS THAT?

A ABOUT 6:00 O'CLOCK, BEFORE 6:00 O'CLOCK, BETWEEN 5:00 AND 6:00.

Q HOW MANY TRIPS DID YOU MAKE DOWNTOWN OR AROUND NASHVILLE?

A OH, ABOUT FOUR OR FIVE.

Q THAT SAME DAY?

A NO, SIR.

Q I'M TALKING ABOUT THURSDAY.

A ONE.

Q ALL RIGHT. WHERE DID YOU GO?

A TO WALGREEN'S.

Q THAT WAS JUST ACROSS THE STREET, WASN'T IT?

A YES, SIR.

Q SO, YOU REALLY DIDN'T GO LOOKING AROUND NASHVILLE AT ALL ON THURSDAY, DID YOU?

A I LOOKED UP AND DOWN THE STREET AND LOOKED AT THE LIGHTS AND THINGS.

Q FROM THE MOTEL?

A NO, WHEN I WAS WALKING ACROSS THE STREET TO WALGREEN'S.

Q ALL RIGHT. YOU DIDN'T ENTER ANY TAXIS OR BUSES OR

ANY CONVEYANCES OF ANY KIND AND GO ANYWHERE, THOUGH, DID YOU?

A NO, SIR.

Q NOW, HAVE YOU EVER TOLD ANYBODY THAT YOU WERE ATTENDING THE UNIVERSITY OF HOUSTON?

A NO, SIR.

Q YOU DON'T RECALL ON THIS TRIP SAYING WHETHER OR NOT YOU HAD TO GET BACK TO HOUSTON FOR SOME REASON OR ANOTHER?

A SURE, I HAD TO GET BACK TO HOUSTON FOR CLASSES MONDAY MORNING AT SAN JACINTO.

Q ARE YOU SURE, THOUGH, THAT YOU SAID IT WAS AT SAN JACINTO, OR DID YOU JUST SAY YOU HAD TO GET BACK TO CLASSES?

A NO, I SAID I HAD TO GET BACK TO CLASSES AT SAN JACINTO MONDAY MORNING.

Q NOW, AS FAR AS YOU ARE CONCERNED, YOU'VE NEVER TOLD ANYBODY THAT YOU WENT TO THE UNIVERSITY OF HOUSTON OR NO ONE ELSE IN YOUR PRESENCE SAID YOU DID, TOMMY BERGEN NEVER SAID IT?

A NOT IN MY PRESENCE.

Q DID HE EVER TELL YOU WHETHER OR NOT HE HAD TOLD PEOPLE THAT?

A NO, SIR.

THE COURT: SHORT RECESS, GENTLEMEN.

(RECESS)

THE COURT: PLEASE BE SEATED, EVERYONE. CONTINUE AS YOU WERE.

READY TO PROCEED?

MR. MUCH: THANK YOU.

Q (BY MR. MUCH) LYNDA, I WAS ASKING YOU ABOUT THE THURSDAY THAT YOU WERE IN NASHVILLE IN OCTOBER OF 1965, AND AS I UNDERSTOOD YOU LAST, YOU CAME BACK FOR DINNER AROUND, OR ABOUT 7:00 OR 8:00 O'CLOCK?

A 6:00.

Q OR 6:00; WHAT HAPPENED THE REST OF THAT DAY, WHAT DID YOU DO?

A I ATE DINNER.

Q YES; WITH WHOM?

A I DON'T REMEMBER IF I ATE DOWNSTAIRS OR IF I HAD ROOM SERVICE BRING IT UP FOR ME.

Q PARDON ME, IF YOU DID EITHER -- DID YOU SIGN FOR THE FOOD THAT YOU HAD ON THE TICKET, WHAT THEY CALL A ROOM TAB OR A RESTAURANT TAB?

A NO, I PAID.

Q DID SOMEONE ELSE --

A NO, I PAID CASH.

Q ALL RIGHT. NOW, YOU DON'T KNOW WHETHER YOU ATE WITH ANYBODY ELSE OR NOT?

A I DON'T RECALL.
Q ALL RIGHT. YOU KNOW YOU ATE; THEN, WHAT DID YOU DO?
A THEN, I WALKED AROUND FOR A WHILE, AROUND THE HOTEL AND THERE WAS A BIRD IN THE LOBBY AND THERE WAS A BUNCH OF PEOPLE MESSING AROUND WITH HIM AND I WAS WATCHING THEM.
Q DID YOU SAY A BIRD?
A YES, SIR.
Q ALL RIGHT, GO AHEAD.
A AND THEN, I WENT BACK UP AND WENT TO SLEEP, ABOUT 10:00, AND I WOKE UP ABOUT 11:00, AND THERE WAS A WHOLE BUNCH OF PEOPLE IN THE ROOM, SO I WENT BACK TO SLEEP.
Q I TAKE IT THE ROOM YOU WERE IN IS THE ONE THAT I BELIEVE YOU SAID PETER GARRIS WAS IN THAT YOU MOVED TO?
A YES, SIR.
Q THAT'S THE ROOM YOU MEAN?
A YES, SIR.
Q AND YOU SLEPT TILL 11:00, AWOKE AND WENT BACK TO SLEEP?
A YES.
Q AND THERE WERE OTHER PEOPLE IN THE ROOM?
A YES, SIR.
Q DO YOU KNOW WHO THEY WERE?
A NO, SIR, I DIDN'T LOOK AT ANY OF THEM. I JUST WAS AWARE THAT THERE WERE A LOT OF PEOPLE IN THE ROOM.
Q HOW MANY BEDS IN THIS ROOM?

A TWO.
Q WAS IT A BEDROOM?
A YES, SIR.
Q IT WASN'T A SITTING ROOM OR A PARLOR OR SOMETHING LIKE THAT?
A IT WAS BOTH.
Q ALL RIGHT. WAS IT A LARGE ROOM, BIGGER THAN THE ORDINARY HOTEL ROOM?
A NO, JUST AN AVERAGE ROOM.
Q I SEE. YOU WENT BACK TO SLEEP, IS THAT THE TIME YOU WERE TALKING ABOUT WHEN YOU WOKE UP AND STEVE TYRELL WAS IN BED WITH YOU?
A WHEN I WOKE UP THAT MORNING.
Q BY THAT, YOU MEAN FRIDAY MORNING?
A YES, SIR.
Q ALL RIGHT. BETWEEN, OR ANY TIME AFTER YOU GOT BACK, WHETHER IT WAS 6:00 OR 7:00 OR 8:00 O'CLOCK AND YOU HAD DINNER, AFTER YOUR TRIP AROUND NASHVILLE TO WALGREEN'S ACROSS THE STREET AND BACK, DID YOU HAVE ANY MORE SEXUAL INTIMACY WITH ANYBODY IN THE INTERVAL FROM THE TIME YOU RETURNED ON THURSDAY AFTERNOON UNTIL FRIDAY MORNING?
A NO.
Q WHAT ABOUT WITH STEVE TYRELL?
A NO, SIR.

Q NOT ON FRIDAY MORNING?

A NO, SIR.

Q ANY TIME?

A I DON'T BELIEVE SO.

Q YOU LIKE HIM BETTER THAN ANYBODY ELSE, INCLUDING THE MEN WHOSE NAMES YOU CAN'T REMEMBER, AND YOU DIDN'T HAVE SEXUAL RELATIONS WITH HIM?

A NO, SIR.

Q ALL RIGHT. SO YOU WOKE UP WITH STEVE ON FRIDAY MORNING AND WHAT DID YOU DO FROM THEN ON?

A I DON'T RECALL ANY DETAILS, SIR.

Q ALL RIGHT. IF YOU HAD SEXUAL INTERCOURSE WOULD YOU REMEMBER?

A NO, SIR.

Q ARE YOU POSITIVE THAT YOU DID NOT?

A NO, SIR.

Q WHEN I ASKED YOU EARLIER ABOUT SEXUAL INTIMACIES, YOUR ANSWER WAS, "THURSDAY," AND YOU TELL ME IF I'M WRONG, "AND FRIDAY." NOW, ARE YOU TELLING ME THAT THAT ANSWER WAS INCORRECT?

A NO, SIR.

Q WELL, IF YOU DID HAVE SOME SORT OF SEXUAL INTIMACIES, CAN YOU TELL ME IN WHAT ROOM YOU HAD THEM?

A NO.

Q CAN YOU TELL ME ANYTHING YOU DID ON FRIDAY?

A NO, SIR.

Q HAS YOUR MEMORY FAILED YOU SINCE YOU LEFT THE STAND?

A NO, SIR.

Q HAVE YOU TOLD THE UNITED STATES DISTRICT ATTORNEY SINCE YOU LEFT THE STAND THAT YOU DIDN'T WANT TO TESTIFY, THAT YOU HAD HAD ALL YOU COULD STAND OF THIS?

A NO, SIR.

Q DIDN'T MAKE ANY SUCH STATEMENT?

A NO, SIR.

OUT IN THE HALL?

A NO, SIR.

Q ALL RIGHT. WHAT DO YOU REMEMBER ABOUT FRIDAY, THE DAY YOU WOKE UP WITH STEVE TYRELL IN THIS CHASTE CONDITION AND REMAINED THAT WAY AS FAR AS HE IS CONCERNED AND WHAT ELSE DID YOU DO BEFORE YOU LEFT FOR HOUSTON?

A I REMEMBER EATING AN ORDER OF TOAST THAT COST SEVENTY-TWO CENTS.

Q YES, YOU SIGNED FOR THE TICKET?

A NO, PAID CASH.

Q ALL RIGHT. DO YOU REMEMBER WHO BROUGHT IT TO YOU?

A JUST A BELLBOY.

Q YOU ORDERED IT ON THE TELEPHONE?

A YES, SIR.

Q IN THE MORNING?

A YES, SIR.

Q ALL RIGHT.

A AND EITHER FRIDAY OR SATURDAY, I WENT WITH SOMEONE TO SEE SOMEONE OFF AT THE AIRPORT. I WENT WITH JOHN HURLEY TO SEE SOMEONE OFF AT THE AIRPORT.

Q I'M SORRY, I DIDN'T HEAR YOU.

A I WENT WITH JOHN HURLEY TO SEE SOMEONE OFF AT THE AIRPORT.

Q ON FRIDAY?

A OR SATURDAY, AND ON FRIDAY OR SATURDAY I WENT TO THE TREE RECORDING STUDIO WITH JOHN HURLEY.

Q WAS THAT THE SAME MAN, JOHN HURLEY?

A YES, SIR.

Q FIRST, YOU WENT WITH HIM TO THE AIRPORT TO SEE SOMEBODY OFF?

A YES, SIR.

Q WHO?

A I DON'T RECALL, SIR.

Q DO YOU REMEMBER HOW YOU WENT?

A YES, IT WAS IN A WHITE CHEVROLET, WHICH WAS THE GENERAL CAR USED BY MOST OF THE PEOPLE I KNEW WHO WERE THERE.

Q WELL, NOW, AND ALSO YOU WENT TO THIS TREE RECORDING?

A YES, SIR.

Q T-R-E-E?

A YES, THAT WAS IN THE EVENING OF FRIDAY.

Q AND THAT WAS AT NIGHT YOU WENT TO THE STUDIO, AND IT WAS EITHER FRIDAY OR SATURDAY?

A YES, SIR.

Q WHEN DO YOU SAY YOU STARTED BACK TO HOUSTON?

A LATE FRIDAY, NO, IT WAS EARLY SUNDAY MORNING.

Q SUNDAY MORNING?

A RIGHT AFTER MIDNIGHT.

Q ON SUNDAY MORNING?

A YES, SIR.

MR. MUCH: YOUR HONOR, IF I UNDERSTAND THE TESTIMONY, AT THIS POINT THE WITNESS SAID THAT SHE GAVE A STATEMENT TO THE OFFICIALS, OR SOMEONE REPRESENTING THE UNITED STATES GOVERNMENT, AND I CALL UPON THE UNITED STATES DISTRICT ATTORNEY TO PRODUCE IT FOR MY EXAMINATION.

MR. APPLEWHITE: BE GLAD TO, SAID SHE GAVE A STATEMENT TO MR. HATTINGER.

MR. MUCH: SHE SAID SHE ALSO MENTIONED ONE STATEMENT, AND ALSO MENTIONED THE UNITED STATES DISTRICT ATTORNEY AND I WANT ALL THE STATEMENTS YOU HAVE GOT.

MR. APPLEWHITE: HERE IS BOTH OF THEM, RIGHT HERE (INDICATING).

MR. MUCH: ALL RIGHT.

Q (BY MR. MUCH) DO I UNDERSTAND THAT IT IS NOW YOUR TESTIMONY THAT YOU CAN'T RECALL WHETHER OR NOT YOU HAD ANY ACTS OF SEXUAL INTIMACY ON EITHER FRIDAY OR SATURDAY IN NASHVILLE?

A I CAN'T RECALL ONE WAY OR THE OTHER. I DON'T WANT TO SAY FOR SURE.

Q IF YOU DID, THEN, YOU CAN'T RECALL HOW YOU GOT IN TOUCH WITH THESE PEOPLE OR ANY DETAILS WHATSOEVER, RIGHT?

A IF I DID, IT WAS THROUGH PETER GARRIS.

Q WELL, DO YOU REMEMBER THAT?

A NO, SIR.

Q AND THEN, WHY DO YOU SAY IT WAS IF YOU DID, IF YOU DON'T REMEMBER?

A BECAUSE EVERY TIME I WENT TO ANYONE'S ROOM, IT WAS WITH PETER GARRIS.

Q ALL RIGHT, AND THAT'S THE ONLY WAY THAT YOU CAN ARRIVE AT THAT CONCLUSION, IS IT NOT, BECAUSE IF YOU WENT, YOU WOULD HAVE TO GO WITH PETER GARRIS?

A YES, SIR.

Q IF YOU SAY YOU STARTED BACK EARLY SUNDAY MORNING AND I UNDERSTAND YOU TO MEAN BY THAT AROUND 1:00 OR 2:00 IN THE MORNING, OR SHORTLY AFTER 12:00?

A YES, SIR.

Q WHEN DID YOU GET BACK TO HOUSTON?

A SUNDAY EVENING.

Q WHAT TIME?

A I DON'T RECALL.

Q WAS IT DAYTIME?

A IT WAS IN TIME TO GET IN BED AND GET SOME SLEEP AND GET ENOUGH SLEEP TO GO TO SCHOOL IN THE MORNING.

Q DO YOU KNOW WHAT TIME IT WAS?

A NO, SIR.

Q I MEAN BY THAT, WAS IT BEFORE DINNER TIME OR AFTER?

A AFTER DINNER TIME.

Q DID YOU GO TO SCHOOL THE NEXT MORNING?

A YES, SIR.

Q DO YOU REMEMBER THAT?

A YES, SIR.

Q WHAT SCHOOL WAS THAT?

A SAN JACINTO HIGH SCHOOL.

Q DID YOU EVER GO TO THE, WHAT IS THE HIGHEST GRADE YOU EVER WENT TO?

A BEG YOUR PARDON?

Q WHAT IS THE HIGHEST GRADE YOU EVER WENT TO?

A SOPHOMORE.

Q ALL RIGHT. IN TERMS OF THE WAY PEOPLE SOMETIMES DESCRIBE PUBLIC SCHOOL TERMS, IN TERMS OF YEARS, WOULD IT HAVE BEEN THE EIGHTH GRADE, THE NINTH GRADE, TENTH

GRADE, ELEVENTH GRADE, WHAT?

A TENTH GRADE.

Q AND THAT WAS THE HIGHEST YOU EVER WENT, WASN'T IT?

A I'VE HAD ELEVENTH GRADE ENGLISH.

Q ALL RIGHT, WHEN?

A IN THE SPRING OF '65, '66, AT NIGHT SCHOOL.

Q ALL RIGHT. WHAT NIGHT SCHOOL?

A SAN JACINTO NIGHT SCHOOL.

Q NOW, YOU HAVE NOT BEEN, ACCORDING TO WHAT I UNDERSTAND YOU TO TESTIFY TO, YOU HAVE NOT BEEN TO ANY OTHER SCHOOLS EXCEPT SAN JACINTO, AND AN EARLIER SCHOOL WHERE YOU MET BARRIE BROCKSTEIN, IS THAT RIGHT?

A I HAVE BEEN TO HORN, PERSHING, BELLAIRE, SAN JACINTO.

Q THAT'S ALL?

A YES, SIR.

Q I'LL ASK YOU WHETHER OR NOT YOU MADE ANY STATEMENT TO THE F.B.I. ON AUGUST 4, 1966, IN THE PRESENCE OF MR. HATTINGER --

A YES, SIR.

Q ALSO IN THE PRESENCE OF LILA BERNER?

A YES, SIR.

Q WHO WAS WITH THE HOUSTON POLICE?

A YES, SIR.

Q YOU TOLD THEM, DID YOU NOT, THAT YOU WERE IN THE ELEVENTH GRADE AT LAMAR CONSOLIDATED HIGH SCHOOL?

A I TOLD THEM I WAS PLANNING TO ENTER THE ELEVENTH GRADE AT LAMAR CONSOLIDATED HIGH SCHOOL.

Q AND THE VERY LAST PARAGRAPH IS A STATEMENT YOU MADE, INCLUDING THAT INFORMATION THAT YOU HAD GONE AND WERE IN THE ELEVENTH GRADE AT LAMAR HIGH SCHOOL, WAS AFTER YOU READ THE STATEMENT THAT YOU SIGNED?

A THAT COULDN'T BE RIGHT, SIR. I COULDN'T HAVE GONE TO SCHOOL IN THE SUMMERTIME SCHOOL BECAUSE IT ISN'T IN SESSION.

Q I KNOW THAT. I'M JUST ASKING WHAT YOU TOLD THEM. I'M ASKING YOU IF YOU DIDN'T MAKE SUCH A STATEMENT.

A THAT I HAD PLANNED TO ENROLL IN LAMAR HIGH SCHOOL IN THE ELEVENTH GRADE, YES, I DID.

Q ALL RIGHT. I'M ASKING IF YOU DIDN'T MAKE THE STATEMENT ON AUGUST THE 4TH OF 1966 THAT YOU WERE THEN IN THE ELEVENTH GRADE AT LAMAR CONSOLIDATED HIGH SCHOOL?

A NO, I TOLD HIM I WAS PLANNING TO ENROLL IN THE ELEVENTH GRADE AT LAMAR CONSOLIDATED HIGH SCHOOL IN SEPTEMBER.

Q ALL RIGHT, AND YOU DIDN'T SAY THAT -- YOU DID SIGN THE STATEMENT, DIDN'T YOU?

A YES, SIR. I DIDN'T SIGN THAT STATEMENT THAT YOU ARE READING, I SIGNED A STATEMENT WRITTEN IN LONGHAND.

Q I SEE. ARE YOU SAYING THAT IF THE GOVERNMENT HAS HANDED ME A STATEMENT THAT CONTAINS THE PHRASE I USE THAT THEY HAVE HANDED ME SOMETHING YOU DIDN'T SIGN OR

SWEAR TO?

A NO, SIR.

Q ALL RIGHT. DID YOU READ THE STATEMENT YOU SIGNED?

A YES, SIR.

MR. MUCH: I ASK YOU FOR THAT ONE, COUNSEL.

MR. APPLEWHITE: I DIDN'T HAVE IT IN MY POSSESSION. I WASN'T AWARE --

MR. MUCH: THAT'S ALL RIGHT. I'M NOT ACCUSING YOU OF ANYTHING. I JUST WANT THE ONE SHE SIGNED.

MR. APPLEWHITE: BEFORE YOU DO, I WANT TO GIVE IT TO YOU.

THE COURT: HURRY ALONG.

MR. MUCH: EXCUSE ME, YOUR HONOR. I HAD TO APPROACH HER.

THE COURT: GO AHEAD.

Q (BY MR. MUCH) I MERELY ASK YOU TO LOOK AT THIS STATEMENT DATED AUGUST 1 --

MR. HARTMAN: MAY I INTERRUPT JUST A MOMENT. WE NEED ONE OF THESE STATEMENTS TO FILE. HE HAS GOT THEM BOTH AND WE WOULD LIKE TO HAVE ONE OR THE OTHER BACK.

MR. MUCH: ALL RIGHT, SIR.

THE ONE YOU HANDED ME IS DATED AUGUST THE 4TH AND THE OTHER ONE IS DATED AUGUST THE 1ST. I CANNOT DO MORE THAN CALL YOUR ATTENTION TO THAT.

MR. APPLEWHITE: THIS WAS TYPED BY THE F.B.I. ON AUGUST THE 4TH, I BELIEVE, AND THE STATEMENT WAS TAKEN ON AUGUST THE 1ST.

MR. MUCH: ALL RIGHT.

MR. HARTMAN: SO THEY ARE THE SAME.

MR. MUCH: I DON'T KNOW WHETHER THEY ARE THE SAME.

MR. HARTMAN: WELL, THE DATE WAS YOUR MISTAKE, NOT THE STATEMENT.

THE COURT: GO AHEAD, GENTLEMEN.

Q (BY MR. MUCH) I ASK YOU, PLEASE, TO SEE IF YOU RECOGNIZE YOUR OWN SIGNATURE.

A YES, SIR.

Q AND I ASK YOU TO READ THE PARAGRAPH IMMEDIATELY ABOVE IT.

A I HAVE READ IT.

WANT ME TO READ IT ALOUD?

Q PLEASE.

A (READING) "I HAVE READ THE ABOVE STATEMENT CONSISTING OF THIS AND FIVE ADDITIONAL PAGES AND INITIALS AND I

NOW SIGN THE STATEMENT BECAUSE IT IS TRUE."

Q ALL RIGHT. I WILL ASK YOU TO LOOK AT THE OTHER PAGES AND SEE IF YOU FIND YOUR INITIALS ON PAGE ONE RIGHT THERE.

A YES, I INITIALED THEM ALL.

Q RIGHT HERE, TWO, THREE, FOUR, FIVE?

A YES, SIR.

Q AND FIVE?

A YES, RIGHT, YES.

Q AND THE ONE HERE WITH YOUR FULL SIGNATURE?

A YES, THAT'S CORRECT.

Q THEN, I WANT YOU TO READ THIS SENTENCE BEGINNING AFTER THE WORDS, "1949, I HAVE COMPLETED" --

A "I HAVE COMPLETED TEN AND ONE-HALF GRADES OF SCHOOL AND AM PRESENTLY IN THE ELEVENTH GRADE AT LAMAR CONSOLIDATED HIGH SCHOOL, HOUSTON, TEXAS."

Q THANK YOU.

A YOU'RE WELCOME.

Q LYNDA, HOW MUCH DO YOU WEIGH NOW?

A I WEIGH A HUNDRED AND TEN.

Q AND HOW MUCH DID YOU WEIGH IN AUGUST AND SEPTEMBER OR OCTOBER OF 1965?

A ABOUT A HUNDRED AND THIRTY.

Q HAVE YOU EVER WEIGHED AS MUCH AS A HUNDRED AND FORTY?

A YES.

Q AND, AT THAT TIME, YOU HAD A MUCH LARGER FIGURE, IF NOT FRAME, THAN YOU DO NOW, DID YOU NOT?

A I HAD A LARGER FIGURE, NOT A LARGER FRAME.

Q ALL RIGHT. AND HOW DID YOU DO YOUR HAIR IN SEPTEMBER AND OCTOBER OF 1965?

A I TURNED IT UP.

Q YES, AND WHAT OTHER COSMETIC AIDS DID YOU GIVE IT? WAS IT WHAT IS KNOWN AS BLEACHED OR PEROXIDED OR SILVER, WAS IT NOT A BLONDE EFFECT?

A IT WAS THIS COLOR RIGHT HERE.

Q I DON'T KNOW WHICH COLOR YOU'RE TALKING ABOUT. CAN YOU TELL ME WHETHER OR NOT IT WAS WHAT THEY CALL A PEROXIDE OR BLEACHED BLONDE EFFECT?

A NO, IT WAS LEMON JUICE AT THAT TIME.

Q I DIDN'T KNOW THE WORD.

A LEMON JUICE, YOU PUT LEMON JUICE ON IT.

Q LEMON JUICE, WHAT --

A A LITTLE BLEACHED EFFECT.

Q WHAT DID YOU SAY THE COLOR WAS?

A IT WAS BLONDE.

Q BLONDE?

A YES, SIR.

Q DIDN'T LOOK THEN LIKE YOU DO NOW, DID YOU?

A YES, MORE OR LESS. I HAD THE SAME FACE.

Q YOU DO REALIZE THOUGH THAT YOU LOOKED MORE MATURE WITH

THAT EXTRA WEIGHT AND BLEACHED BLONDE --

MR. HARTMAN: HE'S JUST ARGUING WITH HER ABOUT NOTHING, WHAT SHE REALIZED, HOW SHE LOOKED --

THE COURT: ALL RIGHT, GO AHEAD.

THE WITNESS: NO.

Q (BY MR. MUCH) I WANT TO BE SURE NOW I UNDERSTAND THAT, YOU SAY, LYNDA, THAT YOU CANNOT REMEMBER ANY DETAIL OTHER THAN YOUR SEVENTY-TWO CENT BREAKFAST WHAT HAPPENED ON FRIDAY AFTER YOU AWOKE.

DO YOU REMEMBER WHO GOT UP FIRST, YOU OR STEVE TYRELL?

A I GOT UP FIRST.

Q ALL RIGHT. DO YOU REMEMBER WHEN HE LEFT, IF HE DID?

A NO, BECAUSE I LEFT FIRST.

Q ALL RIGHT, WHERE DID YOU GO?

A JUST WALKING AROUND THE HOTEL.

Q SO, YOU REMEMBER THAT?

A UH-HUH.

Q AND HOW LONG DID YOU DO THAT?

A I DON'T KNOW.

Q ALL RIGHT. WHERE DID YOU HAVE LUNCH?

A I DON'T KNOW. I DON'T EVEN KNOW IF I HAD LUNCH.

Q ALL RIGHT, SIR. WHERE DID YOU MEET JOHN HURLEY?

A I MET HIM AT DINNER THE -- THIRD NIGHT WE WERE THERE

WHENEVER EVERYBODY WAS DOWN THERE HAVING DINNER TOGETHER.

Q ALL RIGHT. HOW DID YOU HAPPEN TO GET IN A CAR WITH HIM TO GO TO THE AIRPORT?

A BECAUSE I WAS BORED.

Q AND --

A -- AND I WANTED SOMETHING TO DO.

Q DID YOU WALK UP TO JOHN HURLEY AND SAY, "I'M BORED," OR HOW DID YOU GET WITH HIM?

A I DON'T RECALL.

Q THE FIRST THING YOU REMEMBER IS BEING IN A CAR WITH HIM ON THE WAY TO THE AIRPORT?

A I REMEMBER GOING OUT TO THE AIRPORT WITH HIM TO SEE SOMEONE OFF.

Q DO YOU KNOW HOW YOU GOT IN THE CAR?

A I OPENED THE DOOR AND GOT IN.

Q DO YOU REMEMBER THE CIRCUMSTANCES BEFORE YOU GOT IN THE CAR?

A WELL, IT WAS A NICE DAY, IT WAS CHILLY --

Q DO YOU RECALL WHERE YOU FIRST SAW JOHN HURLEY THAT DAY?

A NO, SIR.

Q DO YOU RECALL HOW LONG YOU SAW JOHN HURLEY BEFORE YOU WENT TO THE AIRPORT WITH HIM?

A NO, SIR.

Q DO YOU KNOW THE TIME OF DAY YOU WENT TO THE AIRPORT WITH HIM?

A NO, SIR.

Q DID YOU KNOW ANYBODY ELSE IN THE CAR AT THAT TIME?

A NO, SIR.

Q DO YOU KNOW WHETHER OR NOT THE PERSON YOU SAW OFF AT THE AIRPORT WAS IN THE CAR WITH YOU OR AT THE AIRPORT?

A HE WAS IN THE CAR WITH US.

Q SHE?

A HE.

Q HE; DID HE LEAVE ON A PLANE?

A YES, SIR.

Q YOU SAW HIM OFF?

A YES, SIR.

Q HOW LONG DID YOU STAY AT THE AIRPORT?

A LONG ENOUGH TO SEE THE PLANE OFF.

Q WAS IT DAYLIGHT?

A YES, SIR.

Q YOU WENT IN THE DAYTIME?

A YES, SIR.

Q AND YOU DON'T KNOW WHETHER IT WAS BEFORE OR AFTER LUNCH?

A NO, SIR.

Q DID YOU HAVE SEXUAL RELATIONS WITH JOHN HURLEY?

A NO, SIR.

Q WHAT ELSE DID YOU DO WITH JOHN HURLEY IF IT WAS ON

FRIDAY?

A I CAN'T ANSWER THAT IF IT WAS ON FRIDAY, BECAUSE I DON'T KNOW WHETHER IT WAS ON FRIDAY OR SATURDAY THAT I WENT TO THE RECORDING STUDIO WITH HIM.

Q ALL RIGHT. YOU SAID YOU WENT WITH HIM AT NIGHT, EITHER FRIDAY OR SATURDAY?

A UH-HUH.

Q TO A RECORDING STUDIO, TREE RECORDING STUDIOS; DID YOU SEE A SESSION RECORDED THERE? DID YOU SEE SOMEBODY MAKING A RECORD OR A RECORD TAPE?

A NO, SIR.

Q OR A SIDE?

A NO, SIR.

Q DO YOU KNOW WHAT A RECORD TAPE IS?

A YES, SIR.

Q YOU KNOW, OF COURSE, HOW RECORDS ARE MADE; THEY'RE FIRST RECORDED ON A TAPE, YOU KNOW THAT?

A YES, SIR.

Q YOU LEARNED THAT BY BEING AROUND THE MUSIC BUILDING, DID YOU NOT?

A YES, SIR.

Q AND YOU LEARNED IT ALSO IN NASHVILLE?

A NO, SIR.

Q DIDN'T; YOU ALREADY KNEW ABOUT IT?

A YES, SIR.

Q YOU ALSO KNEW ABOUT IT BY HAVING WORKED AROUND KILT?

A NO, SIR.

Q -- THE WAY A RECORDING SESSION IS HELD IS THAT FIRST, THEY MAKE IT, AND LATER, THEY MAKE THE RECORD FROM IT.

MR. HARTMAN: I OBJECT TO HIM TESTIFYING. WE HAVE ALREADY ESTABLISHED WHAT IT WAS AND WE HAVE ESTABLISHED IT, AND IT'S JUST QUIBBLING ABOUT NOTHING.

THE COURT: HURRY ALONG.

Q (BY MR. MUCH) WHAT DID YOU SEE OR WHAT SESSION DID YOU ATTEND AT THE TREE STUDIO?

A THERE WAS NO RECORDING SESSION.

Q YOU JUST WENT OVER THERE?

A AND WE LISTENED TO SOME TAPES.

Q YOU LISTENED TO SOME TAPES?

A YES, SIR.

Q WHETHER IT WAS A FRIDAY OR SATURDAY, WAS IT THE SAME DAY YOU WENT TO THE AIRPORT?

A I DON'T KNOW.

Q DO YOU KNOW HOW LONG THE TIME WAS BETWEEN THE TIME YOU WENT TO THE AIRPORT AND THE TIME YOU WENT TO THE RECORDING STUDIO?

A NO, SIR.

Q DO YOU KNOW WHICH YOU DID FIRST?

A NO, SIR.

Q DO YOU RECALL, APART FROM THOSE TWO OCCASIONS THAT YOU SPENT SOME TIME WITH JOHN HURLEY?

A YES, SIR.

Q ANYTHING ELSE YOU DID ON THAT FRIDAY OR SATURDAY BEFORE YOU LEFT?

A NO, SIR.

Q DO YOU REMEMBER SLEEPING IN SOME ROOM ON FRIDAY NIGHT?

A YES, SIR.

Q WHICH ROOM?

A PETER GARRIS' ROOM.

Q DO YOU REMEMBER WHETHER STEVE SLEPT WITH YOU THAT NIGHT?

A NO, SIR.

Q DO YOU KNOW WHETHER YOU WOKE UP AND FOUND STEVE THERE?

A NO, SIR.

Q DON'T REMEMBER?

A NO, SIR.

Q DO YOU KNOW WHERE YOU SLEPT SATURDAY NIGHT?

A I DIDN'T SLEEP SATURDAY NIGHT.

Q DO YOU KNOW WHETHER OR NOT STEVE WAS IN BED WITH YOU ON SATURDAY NIGHT?

A I WASN'T IN BED SATURDAY NIGHT.

Q NOT AT ALL?

A NO, SIR.

Q NOW, GETTING BACK TO THE FIRST TIME YOU SAW HUEY MEAUX,

WHICH YOU SAY WAS SEPTEMBER, IF I UNDERSTAND YOU, THE MIDDLE OF SEPTEMBER, AND YOU HAVE NOW FIXED IT AT THE 17TH, IS THAT YOUR RECOLLECTION?

A YES, SIR.

Q AND THAT WAS A FRIDAY NIGHT?

A YES, SIR.

Q YOU WENT OVER ABOUT MIDNIGHT?

A YES, SIR.

Q FOLLOWING THE CONVERSATION THAT YOU HAVE ALREADY RECOUNTED, YOU AND HE WENT INTO ANOTHER OFFICE, DONALD SAPP'S OFFICE, RIGHT?

A YES, SIR.

Q AND YOU DID THAT BECAUSE TOMMY TOLD YOU THAT HE HAD TO TRY YOU OUT?

A YES, SIR.

Q TOMMY, WHAT ELSE DID TOMMY SAY? DID HE SAY WHERE TO GO, WHAT TO DO, WHAT DID HE SAY ABOUT IT, ABOUT YOUR GOING INTO THE OTHER ROOM WITH MR. MEAUX?

A THAT'S ALL HE SAID.

Q THAT'S ALL HE NEEDED TO SAY AND YOU PROCEEDED WITH MR. MEAUX?

A YES, SIR.

Q ALL RIGHT. YOU GOT IN THE ROOM; CAN YOU DESCRIBE THIS OFFICE OUT AT THE MUSIC BUILDING IN WHICH YOU ENTERED INTO WITH MR. MEAUX AND HAD SEXUAL RELATIONS?

A THERE IS A PICTURE AND A DESK AND A CHAIR AND A COUCH AND A RUG AND --

Q ALL RIGHT, THAT'S ENOUGH.

DID YOU HAVE SEXUAL RELATIONS ON THIS OCCASION?

A YES, I BELIEVE SO.

Q YOU DON'T REMEMBER?

A I BELIEVE SO.

Q I KNOW, LADY, BUT DO YOU REMEMBER?

A YES, SIR.

Q YOU DO REMEMBER?

A YES, SIR.

Q ALL RIGHT. DID YOU REMOVE YOUR GARMENTS?

A NO.

Q YOU DID NOT?

A NO, SIR.

Q DID HE?

A YES, SIR.

Q AND WAS THERE ANY OTHER CONVERSATION EXCHANGED BETWEEN YOU AFTER YOU ENTERED THIS ROOM WITH MR. MEAUX?

A NO, SIR.

Q YOU DIDN'T EVEN EXCHANGE THE TIME OF DAY IN THERE, NOTHING?

A NO.

Q ALL RIGHT. AND THIS ACT OF SEXUAL INTIMACY TOOK PLACE

IN SILENCE, BY THAT, I MEAN, WITHOUT CONVERSATION, AND THEN, WHEN IT WAS FINISHED, DID YOU HAVE ANY CONVERSATION WHATEVER?

A YES, I THINK, SUPPOSE WE DID. I CAN'T SAY FOR SURE.

Q DID YOU ASK HIM SOMETHING? IF I UNDERSTAND YOU, YOU WENT IN THERE TO SORT OF TEST YOUR ABILITIES?

A YES, SIR.

Q DID YOU ASK HIM HOW YOU DID OR DID HE APPLAUD OR IN SOME WAY LET YOU KNOW THAT YOU WERE ADEQUATE?

A I DON'T RECALL, SIR.

Q YOU DON'T EVEN KNOW WHETHER YOU PASSED THE TEST?

A I'M SURE I DID. I WENT TO NASHVILLE.

Q AND, IS IT ON THAT BASIS THAT YOU MAKE THE CONCLUSION?

A YES.

Q ALL RIGHT. NOW, YOU HAVE DESCRIBED GOING WITH TOMMY BERGEN TO A HOUSE SOMEWHERE WHERE THERE WAS A LOT OF CARS PARKED. SO FAR AS YOU KNOW, YOU SAW NO OTHER PEOPLE WHERE YOU HAD INTERCOURSE, THIS WAS BEFORE THE 17TH OF SEPTEMBER, RIGHT?

A YES, SIR.

Q AND IT WAS IN THE DAYTIME?

A NO, SIR.

Q IT WAS AT NIGHT?

A YES, SIR.

Q ALL RIGHT. AND WHERE ELSE DID YOU HAVE SEXUAL

INTIMACIES WITH TOMMY BERGEN?

A I DON'T RECALL, SIR.

Q YOU DON'T REMEMBER THE PLACE?

A NO, SIR.

Q DO YOU REMEMBER THE TIMES?

A NO, SIR.

Q DO YOU REMEMBER THE OCCASIONS?

A NO SPECIAL OCCASIONS, JUST --

Q JUST WENT?

A YEAH.

Q DO YOU KNOW WHETHER OR NOT YOU WENT TO A RENTED ROOM IN A MOTEL OR HOTEL?

A WE DID A COUPLE OF TIMES.

Q DO YOU KNOW WHETHER OR NOT ANY OF THESE TOOK PLACE IN AUTOMOBILES?

A NO, SIR.

Q AND THE HOMES OF OTHER PEOPLE?

A YES, SIR.

Q ALL RIGHT. HOW MANY OF THOSE?

A I DON'T KNOW, SIR.

Q IS IT BECAUSE YOU CAN'T REMEMBER HOW MANY?

A YES, SIR.

Q YOU CAN'T REMEMBER THE PLACES?

A NO, SIR.

Q ANY OF THEM TAKE PLACE IN YOUR HOME?

A NO, SIR.

Q NOW, ON THE OCCASION WHEN YOU WERE IN NASHVILLE AND YOU CHECK ME IF I AM WRONG ON MY DAYS, I HAVE BEEN TRYING TO FOLLOW THE CALENDAR DAYS RATHER THAN THE DATES.

IT WAS ON A WEDNESDAY EVENING THAT YOU WENT TO MR. MEAUX'S ROOM, HAD SEXUAL INTERCOURSE WITH HIM AND STAYED ALL NIGHT?

A YES, SIR.

Q DID YOU HAVE ANY CONVERSATION AT ALL DURING THAT EVENT?

A YES, SIR.

Q ALL RIGHT. TELL ME WHAT TOOK PLACE BETWEEN YOU, WHAT WAS SAID BETWEEN YOU?

A NOTHING TOO IMPORTANT. I ASKED HIM IF I COULD HAVE A CIGARETTE, IF I COULD HAVE A LIGHT, TURNED THE MUSIC DOWN, THINGS LIKE THAT, NOTHING ESPECIALLY IMPORTANT.

Q ALL RIGHT. YOU HAVE RELATED THAT YOU ARRIVED WITH CHARLIE BOOTH AND TOMMY BERGEN ABOUT 5:00 P.M. ON A TUESDAY, IF I RECALL CORRECTLY, AND FOLLOWING THAT, YOU WENT TO YOUR ROOM.

DO YOU KNOW WHERE TOMMY BERGEN AND CHARLIE BOOTH WENT?

A THEY WENT TO A ROOM BY THEMSELVES.

Q WHEN YOU SAY "BY THEMSELVES," DO YOU MEAN TOGETHER?

A TOGETHER.

Q YOU KNEW THEY WERE STAYING TOGETHER?

A YES, SIR.

Q AND, AS FAR AS YOU KNOW, THEY STAYED TOGETHER?

A YES, SIR.

Q DID YOU JOIN, OR WERE YOU JOINED BY TOMMY BERGEN AT ANY TIME AFTER YOU ARRIVED AT 5:00 P.M. ON THE TUESDAY IN QUESTION? DID HE JOIN YOU THAT NIGHT OR DID YOU JOIN HIM?

A I DON'T RECALL.

Q DO YOU KNOW WHETHER OR NOT YOU WERE TOGETHER, HOWEVER YOU PUT IT --

A I DON'T RECALL. I WAS EXTREMELY TIRED, AS FAR AS I REMEMBER, AND I WENT STRAIGHT TO BED.

Q SO, YOU DIDN'T SEE ANY MORE OF TOMMY, SO FAR AS YOU RECALL, THAT NIGHT?

A YES, SIR.

Q AND THE NEXT MORNING, A WEDNESDAY, YOU WERE TRAVELING ABOUT, IN PART, AND WHERE AND WHEN DID YOU SEE TOMMY BERGEN ON WEDNESDAY?

A I SAW HIM AT WALGREEN'S.

Q WALGREEN'S?

A YES, SIR.

Q THAT WAS WHEN YOU WERE EATING THERE ONLY?

A NO, I WENT DOWN TO GET SOME HAIR SPRAY.

Q HAIR SPRAY?

A YES, SIR.

Q ALL RIGHT. YOU SAW HIM THERE?

A YES, AND THEN I SAW HIM AT DINNER THAT NIGHT.

Q WHICH WAS IN THE MOTEL?

A YES, SIR.

Q HE WAS AT THE LARGE TABLE WHERE YOU WERE?

A YES, SIR.

MR. HARTMAN: OBJECT TO MR. MUCH CONTINUING TO TESTIFY, YOUR HONOR.

MR. MUCH: I'M NOT TESTIFYING AT ALL.

MR. HARTMAN: THE LAST QUESTION WAS, YOUR HONOR; WE OBJECT TO IT.

THE COURT: HURRY ALONG, DON'T REPEAT.

Q (BY MR. MUCH) ALL RIGHT. APART FROM YOUR HAVING SEEN HIM IN WALGREEN'S WHEN YOU GOT THE HAIR SPRAY, I TAKE IT THAT WAS IN THE MORNING?

A YES, SIR.

Q AND, AT DINNER THAT NIGHT WHERE THERE WAS A LARGE TABLE AND A NUMBER OF OTHER PEOPLE PRESENT?

A YES, SIR.

Q WHERE ELSE ON WEDNESDAY DID YOU SEE OR BE WITH OR JOIN TOMMY BERGEN?

A NO OTHER TIMES THAT I CAN RECALL SPECIFICALLY.

Q WHAT OTHER CONVERSATIONS, IF ANY, DID YOU HAVE WITH TOMMY BERGEN ON WEDNESDAY?

A NONE OTHER THAT I CAN RECALL SPECIFICALLY.
Q ALL RIGHT. WHAT WAS THE CONVERSATION BETWEEN YOU, IF YOU HAD ONE, WHEN YOU SAW HIM IN WALGREEN'S ON WEDNESDAY MORNING?
A "HI."
Q IT WAS AN EXCHANGE OF PLEASANTRIES AND THAT'S ALL, GREETINGS?
A YES, SIR.
Q NO MORE?
A NO, SIR.
Q DIDN'T DISCUSS YOUR ACTIVITIES?
A NO, SIR.
Q APART FROM WENDESDAY, THEN, WHEN DID YOU SEE TOMMY BERGEN ON THURSDAY OR ASSOCIATE WITH HIM OR BE WITH HIM?
A I DIDN'T SEE TOMMY ANY MORE AFTER THAT UNTIL WE LEFT, EXCEPT A COUPLE OF TIMES IN THE LOBBY.
Q DID YOU HAVE ANY CONVERSATIONS WITH HIM AFTER WEDNESDAY NIGHT?
A NO, SIR.
Q UNTIL YOU GOT READY TO LEAVE?
A NO, SIR.
Q EVEN WHEN YOU SAW HIM IN THE LOBBY, YOU AND HE DID NOT EXCHANGE INFORMATION?
A NO, SIR.

Q DID HE GIVE YOU DIRECTIONS, INSTRUCTIONS?

A NO, SIR.

Q AND SO, IN REALITY, THE VERY FIRST TIME THAT YOU HAD ANY MORE CONVERSATIONS AFTER YOUR ARRIVAL OF ANY SUBSTANCE BETWEEN YOU AND TOMMY BERGEN WAS WHEN YOU LEFT, OR GOT READY TO LEAVE?

A NO, I TALKED TO HIM AT DINNER.

Q AT DINNER; ALL RIGHT.

WHAT WAS THE NATURE OF YOUR CONVERSATION AT DINNER, AND THAT WAS WEDNESDAY NIGHT, WASN'T IT?

A YES, SIR.

Q ALL RIGHT. WHAT DID YOU TALK ABOUT THEN?

A THE BIRD IN THE LOBBY.

Q I DIDN'T HEAR YOU.

A THE BIRD IN THE LOBBY.

Q OH, YES, AND THAT DINNER TOOK AN HOUR AND A HALF AND THAT WAS THE PRINCIPLE SUBJECT OF YOUR CONVERSATION?

A YES, SIR.

Q NOTHING OTHER INVOLVING, FOR EXAMPLE, MR. MEAUX OR MR. GARRIS OR ANY OF THOSE PEOPLE?

A NO, SIR.

Q OR WHAT YOU WERE DOING WITH ANY OF THOSE PEOPLE?

A NO, SIR.

Q NO INSTRUCTIONS OR DIRECTIONS GIVEN YOU THERE?

A NO, SIR.

Q ALL RIGHT. NOW, WHEN YOU ACTUALLY GOT READY TO LEAVE THEN, TELL ME THE CIRCUMSTANCES UNDER WHICH YOU LEFT. I BELIEVE YOU SAID IT WAS AFTER MIDNIGHT ON SATURDAY.

MR. HARTMAN: NOW, YOUR HONOR, THIS IS REPETITIOUS. HE HAS DONE GONE INTO HER LEAVING UP THERE AND WE ARE GOING BACK OVER IT, AND WE'RE OBJECTING. WE ARE JUST HAGGLING AND CARRYING THIS ON AND ON AND THAT DEAL HAS NOTHING TO DO WITH THIS.

THE COURT: OVERRULED.

LET'S DON'T REPEAT.

GO AHEAD.

Q (BY MR. MUCH) YES. I'M ASKING YOU TO TELL ME THE CIRCUMSTANCES UNDER WHICH YOU LEFT, OR GOT READY TO LEAVE ON SATURDAY NIGHT, OR, AS YOU PUT IT, SUNDAY MORNING, WHEN YOU CAME BACK TO HOUSTON.

A I DIDN'T WANT TO GO BACK WITH CHARLIE BOOTH BECAUSE HE WAS MEAN TO ME.

Q ALL RIGHT, SO WHEN THEY CAME UP TO GO --

THE COURT: LET HER FINISH HER ANSWER, COUNSEL.

STAND UP WHEN YOU SPEAK TO THE COURT.

MR. MUCH: YES, BEG YOUR PARDON, YOUR

HONOR.

THE COURT: GO AHEAD, YOUNG LADY.

A I WAS IN PETER GARRIS' ROOM AND I DIDN'T WANT TO GO BACK WITH THEM. I WANTED TO FLY BACK SO I WOULDN'T HAVE TO GO BACK WITH CHARLIE BOOTH BECAUSE HE WAS REAL MEAN, BUT THEY FORCED ME TO GO, AND SO, I WAS CRYING AND EVERYTHING, AND HE GOT IN THE CAR AND I CROUCHED IN THE BACK SEAT SO HE WOULDN'T HIT ME AND I HEARD THEM, MEAUX --

MR. MUCH: EXCUSE ME. MAY IT PLEASE THE COURT, I ASK THAT THE LAST PART WHICH IS NOT RESPONSIVE BE LIMITED.

THE COURT: YOU ASKED HER TO DESCRIBE IT AND SHE'S DOING IT.

MR. MUCH: MY QUESTION WAS, IF IT PLEASE THE COURT, THE CIRCUMSTANCES UNDER WHICH SHE WAS ASKED TO LEAVE.

THE COURT: THAT IS THE CIRCUMSTANCE. GO AHEAD, YOUNG LADY.

A (CONTINUING) -- SO, MEAUX GAVE BOOTH TWO HUNDRED DOLLARS. I HEARD HIM SAY, "HERE IS TWO HUNDRED DOLLARS; GIVE SOME OF IT TO HER AND GIVE THE REST TO TOMMY."

AND SO HE LEFT, AND I WOULDN'T QUIT CRYING SO HE HIT ME AND I QUIT CRYING AND WE JUST CAME ON BACK.

Q ALL RIGHT. NOW, MY QUESTION, THOUGH, AND THIS IS WHAT

I WANT TO GET FROM YOU, IF YOU WILL ANSWER IT, IS THIS: BEFORE YOU LEFT THE ROOM, AT THAT TIME, YOU WERE NOT PACKED, WERE YOU, UNTIL THEY CAME UP TO GET YOU?

A NO, SIR.

Q ALL RIGHT. WHO CAME?

A HUEY MEAUX.

Q ONLY?

A ONLY.

Q TOMMY BERGEN DIDN'T COME UP TO GET YOU?

A NO, SIR.

Q CHARLIE BOOTH DIDN'T COME UP?

A NO, SIR.

Q ALL RIGHT, AND THEN, HUEY MEAUX CAME UP; WHAT DID HE SAY?

A HE PACKED MY BAGS AND SAID, "COME ON, YOU'RE GOING."

Q SAID, "YOU'RE GOING HOME"?

A YES, SIR.

Q AND YOU DIDN'T WANT TO GO AND TOLD HIM SO?

A YES, SIR.

Q DID YOU TELL HIM THAT IT WAS BECAUSE YOU HAD FALLEN IN LOVE WITH STEVE TYRELL AND DIDN'T WANT TO LEAVE?

A NO.

Q DID NOT?

A NO, SIR.

Q HAD YOU BECOME ATTACHED TO STEVE TYRELL AT THAT TIME?

A NO, SIR.

Q AND WHO ELSE WAS IN THE ROOM WHEN MR. MEAUX CAME UP TO GET YOU?

A NOBODY.

Q MR. GARRIS WASN'T THERE?

A NO, SIR.

Q SO, HE PACKED YOUR BAG AND TOOK IT DOWN?

A YES, SIR.

Q AND YOU WENT WITH HIM?

A YES, SIR.

Q AND WHERE WAS THE CAR WAITING FOR YOU?

A YES.

Q AND CHARLIE BOOTH AND TOMMY BERGEN WERE IN THE CAR?

A NO, THEY HADN'T GOTTEN IN YET, THEY WERE STANDING OUTSIDE THE CAR.

Q SOMEBODY TOLD YOU TO GET IN?

A YES.

Q WHO?

A HUEY MEAUX.

Q AND YOU GOT IN?

A YES, SIR.

Q AND YOU DIDN'T PROTEST IN ANY WAY ABOUT LEAVING?

A YES.

Q WHAT DID YOU SAY?

A I CRIED AND GOT MAD BUT THEY MADE ME GO ANYWAY.

Q WHEN YOU SAY THEY MADE YOU GO, THEY DIDN'T MAKE YOU GET IN THE CAR IN THE SENSE OF TWISTING YOUR ARM, DID THEY?

A THEY SAID IF I DIDN'T SHUT UP, THEY WERE GOING TO KNOCK ME UPSIDE OF THE HEAD.

Q AND SO, DID YOU SHUT UP?

A YES.

Q AND DID YOU GET IN THE CAR?

A YES, AND I STARTED CRYING.

Q AND HAVING SHUT UP, YOU DIDN'T SAY ANY MORE?

A I STARTED CRYING AGAIN. THAT'S WHY I CROUCHED IN THE BACK SEAT SO THEY COULDN'T HIT ME.

Q YOU CROUCHED IN THE BACK SEAT?

A YES.

Q BY THE WAY, YOU HAD WHAT KIND OF LUGGAGE?

A SUITCASES.

Q DID YOU HAVE SOME DRESSES ON HANGERS?

A YES, SIR.

Q WERE THEY HUNG IN THE BACK SEAT OF THE CAR WITH YOU?

A NO, SIR, THEY JUST THREW THEM IN THERE AND I HUNG THEM UP ON THE WAY BACK.

Q BUT, THEY WERE HUNG IN THE BACK SEAT WITH YOU?

A I HUNG THEM MYSELF.

Q ALL RIGHT. YOU HUNG THEM BUT THEY WERE HUNG UP?

A YES, SIR.

Q AND THEY RODE UP THAT WAY, DIDN'T THEY?

A YES -- BEG PARDON?

Q THESE DRESSES THAT YOU HAD IN THE BACK SEAT, I SAY, YOU HAD THEM HANGING IN THE BACK SEAT AS YOU WENT UP, DIDN'T YOU?

A YES, SIR.

Q AND THE REASON THAT YOU HAD YOUR LUGGAGE IN THE BACK SEAT WITH YOU AND THESE DRESSES IS THAT THE BACK END OF THE CAR WAS FILLED WITH EQUIPMENT, WASN'T IT, RECORDINGS AND SO ON?

A I DON'T KNOW, SIR. I DIDN'T LOOK IN THE TRUNK.

Q YOU DIDN'T SEE THEM UNLOADED WHEN YOU GOT TO NASHVILLE?

A NO, THEY MADE ME STAY IN THE CAR FOR ABOUT AN HOUR OR HOUR AND A HALF WHILE THEY WENT AND CHECKED ON THE ROOM AND THEY TOOK ME UP THERE AND LEFT.

Q YOU NEVER SAW THE CAR UNLOADED?

A NO, SIR.

Q YOU DON'T KNOW WHAT KIND OF LUGGAGE EITHER MR. BERGEN HAD OR MR. BOOTH HAD?

A NO.

Q WASN'T IT IN THE BACK SEAT WITH YOU?

A NO, SIR.

Q THEN, I BELIEVE YOU SAID THAT YOU SAW TOMMY EXCHANGE HIS BAGS ON THE DAY THEY LEFT FROM HIS CAR, DID YOU?

A YES, SIR.

Q WHERE DID HE PUT THEM?

A IN THE TRUNK.

Q ALL RIGHT.

A BUT I DIDN'T GET OUT.

Q ALL RIGHT. YOU HAVE DETAILED NOW A CONVERSATION WITH HUEY MEAUX ON THE 17TH OF SEPTEMBER, AND, AGAIN, CORRECT ME IF I AM WRONG, ON THE DATE, ON OCTOBER THE 11TH?

A YES, SIR.

Q HOW DO YOU FIX THE DATE OF THE 11TH?

A BECAUSE THAT WAS THE NIGHT TOMMY WENT TO TEEN TOWN, THE 11TH OF OCTOBER?

Q YES.

A I WOULD HAVE TO SEE A CALENDAR TO FIGURE OUT HOW I FIXED THAT DATE.

Q WELL, LET'S TRY IT ANOTHER WAY. DO YOU KNOW WHERE YOU HAD BEEN BEFORE YOU WENT TO HAVE THIS CONVERSATION?

A NO, SIR.

Q YOU DON'T KNOW?

A I FIXED IT ABOUT A WEEK BEFORE OUR DEPARTURE.

Q ALL RIGHT. THEN, IT COULDN'T HAVE BEEN AS EARLY AS OCTOBER THE 2ND, COULD IT?

A OH, I IMAGINE I TALKED TO TOMMY ON OCTOBER THE 2ND, I TALKED TO HIM NUMEROUS TIMES BETWEEN THE 17TH OF SEPTEMBER AND THE 11TH OF OCTOBER.

Q MR. MEAUX --

A YES.

Q WHERE?

A THE THE MUSIC BUILDING.

Q ALL RIGHT. CAN YOU TELL ME THE OCCASION ON WHICH YOU SAW HIM BETWEEN THE FIRST TIME, THE 17TH OF SEPTEMBER AND THE TIME YOU LEFT?

A NO, EXCEPT FOR THE 11TH OF OCTOBER AND THE 17TH OF SEPTEMBER.

Q ALL RIGHT. WHEN YOU MADE THESE OTHER VISITS THERE, DID YOU GO WITH TOMMY?

A YES, SIR.

Q ON EACH OCCASION?

A YES, SIR.

Q HE STAYED WITH YOU WHILE YOU WERE THERE?

A YES, SIR.

Q AND YOU TALKED WITH MR. MEAUX?

A YES, SIR.

Q AND WHO ELSE?

A AND CHARLIE BOOTH AND DON SAPP.

Q YES, ANYBODY ELSE?

A NO, SIR.

Q DO YOU REMEMBER WHETHER OR NOT THERE ARE ANY LADIES WORKING OUT THERE?

A WELL, I IMAGINE THERE WERE, BUT THEY ALL GOT OFF WORK AT 5:30.

Q YOU WENT AFTER THAT HOUR?

A OH, YES, SIR.

Q ON EACH OCCASION?

A YES, EXCEPT ON SUNDAYS AND THEY DON'T WORK ON SUNDAYS, I DON'T THINK.

Q AND WHO ELSE WAS PRESENT IN THE CONVERSATION WITH HUEY MEAUX, YOU HAVE SAID THAT BOTH MR. SAPP AND MR. BOOTH WERE THERE, BUT WERE THEY PRESENT AT THESE OTHER CONVERSATIONS?

A MR. MEAUX AND MR. BOOTH WERE ALWAYS PRESENT. MR. SAPP WASN'T NECESSARILY PRESENT IN ALL OF THEM.

Q ALL RIGHT. ANYBODY ELSE?

A TOMMY BERGEN.

Q HE WAS PRESENT IN THESE CONVERSATIONS, TOO?

A YES, SIR.

Q ALL RIGHT. YOU HAVE TOLD US ABOUT WHAT WAS EXCHANGED IN THE WAY OF CONVERSATION ON TWO OF THEM, ON THE 17TH OF SEPTEMBER AND THE 11TH OF OCTOBER, WHAT WAS SAID ON THE OTHER OCCASIONS THAT YOU CAN RECALL?

A BASICALLY, THE SAME TEXT AS THE SUBSEQUENT CONVERSATIONS, THE ONES ON THE 17TH AND THE 11TH, BASICALLY,

THE SAME.

Q DO YOU MEAN BY THAT THAT TOMMY BERGEN TOLD YOU, IF HE DID, YOU SAY ON THE 17TH, THAT MR. MEAUX WAS TO TEST YOU OUT ON EACH OF THESE OCCASIONS?

A NO.

Q YOU DON'T MEAN THAT?

A NO, SIR.

Q ALL RIGHT, THEN, I'M TRYING TO FIND OUT WHAT WAS SAID ON THESE OTHER OCCASIONS, IF IT HAS ANY RELEVANCE, I HAVE GOT TO FIND OUT IF YOU'LL JUST TELL ME WHAT YOU TALKED ABOUT.

A OH, WE FIGURED OUT HOW WE WERE GOING TO GET THERE AND THEY TALKED ABOUT ROOM RESERVATIONS AND HOW MUCH I WAS GOING TO MAKE AND HOW MUCH TOMMY WAS GOING TO MAKE AND HOW I WAS GOING TO GET TO GO, AND HOW I WAS GOING TO GET OUT OF SCHOOL WITHOUT GETTING IN TROUBLE.

Q DID THEY DISCUSS THE MEANS OF TRANSPORTATION IN ALL THESE CONVERSATIONS?

A YES, SIR.

Q WHAT WAS IT?

A OH, FIRST, THEY WERE GOING TO PUT ME ON A BUS SO NOBODY WOULD TAKE ME ACROSS THE STATE LINE, AND THEN, THEY DECIDED I WAS GOING TO FLY, AND THEN, THEY DECIDED THEY WERE GOING TO DRIVE ME ACROSS, THAT I WAS GOING TO WALK ACROSS THE STATE LINE SO NOBODY COULD GET IN

TROUBLE.

Q YES.

A BUT THAT NEVER HAPPENED. WE JUST DROVE ACROSS.

Q MOST OF THESE THINGS DIDN'T HAPPEN, YOU DIDN'T GO ON A BUS, DID YOU?

A NO.

Q OR PLANE?

A NO, SIR.

Q AND HOW LONG DID EACH OF THESE CONVERSATIONS TAKE PLACE?

A OH, IT WOULD VARY FROM THIRTY MINUTES TO TWO AND A HALF HOURS.

Q AND YOU HAD HOW MANY OF THESE, APART FROM THE TWO YOU HAVE TOLD US ABOUT?

A I HAVE NO IDEA.

Q THREE, FIVE, TEN?

A I DON'T KNOW.

Q IT TOOK AS LONG AS AN HOUR AND A HALF TO TWO HOURS AND A HALF APIECE, AND YOU CAN'T TELL ME THAT KIND OF CONVERSATION? YOU DON'T REMEMBER?

A NO. WE DIDN'T TALK ABOUT JUST THAT, WE TALKED ABOUT OTHER THINGS.

Q WELL, IF THIS WAS ALL DECIDED ON THE 17TH OF SEPTEMBER, WHAT WERE YOU STILL DISCUSSING ON THESE LATER DATES?

A JUST TALKING ABOUT IT, OVER AND OVER AND OVER AGAIN, TO

DRILL IT INTO MY HEAD.

Q AND THEY DRILLED IT IN YOUR HEAD AND YOU STILL DON'T REMEMBER HOW MANY TIMES --

A IF THAT HAD HAPPENED TO YOU, YOU WOULDN'T REMEMBER IT EITHER.

MR. MUCH: I MIGHT FOOL YOU.

THE COURT: DON'T ARGUE, GO AHEAD, FOLKS.

Q (BY MR. MUCH) NOW, YOU HAVE MENTIONED THAT MR. CHARLIE BOOTH ON THE DRIVE FROM NASHVILLE, CORRECTION, FROM HOUSTON TO NASHVILLE -- FIRST, YOU WERE PICKED UP BY TOMMY BERGEN AT KILT?

A YES, SIR.

Q THAT WAS IN THE AFTERNOON?

A NO, SIR.

Q IT WAS NOT?

A NO, IT WAS IN THE EVENING.

Q ALL RIGHT. AND THAT WAS ON THE 17TH, THAT WAS A SUNDAY, WASN'T IT?

A YES, SIR.

Q AND WHERE DID YOU GO?

A NO, IT WAS A MONDAY BECAUSE I WENT TO SCHOOL THAT DAY.

Q ALL RIGHT. THEN, YOU WERE PICKED UP ON A MONDAY BY TOMMY AT KILT?

A YES, SIR.

Q YOU WERE ALREADY AT KILT?

A YES, SIR.

Q AND, IF I UNDERSTOOD YOU CORRECTLY, MR. BOOTH FOLLOWED YOU SOMEWHERE, TO TOMMY'S HOUSE?

A YES, SIR.

Q AND WAS THIS AFTER TOMMY QUIT WORKING AT KILT THAT NIGHT?

A HE GOT OFF EARLY, I BELIEVE.

Q WELL, ALL RIGHT. WAS IT STILL AROUND 9:00 OR 10:00 OR AS LATE AS THAT?

A AT LEAST AS LATE AS THAT.

Q AND YOU WENT TO MR. BERGEN'S HOUSE WHERE HE HAD TO CHANGE HIS BAGS AND WENT IN AND GOT PERMISSION FROM HIS PARENTS TO GO?

A YES, SIR.

Q ALL RIGHT. AND HE CAME OUT VERY SHORTLY AFTER THAT, I TAKE IT, AND YOU GOT IN MR. BOOTH'S CAR?

A YES, SIR.

Q YOU GOT IN AT THE SAME TIME?

A NO, I DIDN'T EVEN GO IN WITH TOMMY.

Q I KNOW, I UNDERSTAND, BUT YOU DID GET IN MR. BOOTH'S CAR?

A NO, BEFORE WE GOT TO TOMMY'S HOUSE, I GOT INTO MR. BOOTH'S CAR, I GOT INTO MR. BOOTH'S CAR WHEN THEY CHANGED BAGGAGE.

Q ALL RIGHT, AND THEN, TOMMY CAME OUT, AND I WANT TO KNOW WHERE YOU WENT FROM THERE.

A WE WENT TO NASHVILLE.

Q ALL RIGHT. DID YOU GO BY THE WAY OF PASADENA?

A I DON'T KNOW. WE WENT BY A FREEWAY.

Q DID YOU GO BY THE MUSIC BUILDING AND STOP?

A I DON'T RECALL.

Q YOU DON'T RECALL GOING IN THE MUSIC BUILDING THAT AFTERNOON OR WHATEVER TIME IT WAS?

A NO, SIR.

Q WOULD YOU SAY YOU DIDN'T?

A I WOULDN'T SAY BECAUSE I'M NOT SURE.

Q DO YOU REMEMBER GOING BY TO PICK UP SOMEBODY ELSE AT THE MUSIC BUILDING THAT WASN'T THERE?

A NO, SIR.

Q YOU DON'T RECALL BEING INSIDE THE MUSIC BUILDING ON THE AFTERNOON OF THE 17TH OF OCTOBER?

A NO, SIR.

Q AND HAVING YOUR BAGGAGE IN THE FRONT PART OF THE --

A IN THE FRONT PART OF THE MUSIC BUILDING?

Q YES.

A NO, NO.

Q I SAID THE 17TH, I MEAN COULD IT POSSIBLY HAVE BEEN THE 18TH?

A NO, BECAUSE WE WERE ON OUR WAY TO NASHVILLE, WELL ON OUR

WAY BY THE 18TH.

Q ALL RIGHT. NOW, YOU DON'T RECALL ANY EFFORT ON THE PART OF CHARLIE BOOTH TO FIND ANOTHER MAN THAT WAS GOING TO RIDE WITH YOU?

A NO, SIR.

Q OR BY TOMMY BERGEN TO FIND SUCH A MAN?

A NO, SIR.

Q IT'S YOUR TESTIMONY THAT YOU WENT DIRECTLY FROM, AFTER YOU LEFT TOMMY'S HOUSE DIRECTLY, EXCEPT FOR CERTAIN STOPS ALONG THE WAY, TO NASHVILLE? DO YOU REMEMBER THE ROUTE YOU TOOK?

A YES, SIR.

Q ALL RIGHT. TELL ME.

A WE WENT UP THROUGH TEXARKANA AND WE WENT THROUGH MEMPHIS AND WE WENT THROUGH THESE MOUNTAIN ROADS AND WE GOT TO NASHVILLE.

Q YOU WENT TO LITTLE ROCK, DID YOU?

A I DON'T RECALL.

Q YOU REMEMBER MEMPHIS, THOUGH?

A YES, SIR.

Q DO YOU REMEMBER ABOUT HOW LONG THIS DRIVE, FIRST, WHAT STOPS DID YOU MAKE IN TERMS OF TIME? YOU SAID YOU STOPPED FOR GASOLINE.

A YES, SIR.

Q WERE THOSE LONG STOPS?

A ONE OF THEM WAS.

Q DID YOU EAT WHILE YOU WERE STOPPED?

A NO, NOT AT THE GASOLINE STOPS.

Q ALL RIGHT. YOU SAID YOU HAD ONE LONG STOP, WHERE WAS THAT?

A OH, IT WAS JUST A LITTLE BIT OUT OF HOUSTON AND THIS MAN SAW A GUN IN THE CAR AND EVERYBODY GOT ALL SHOOK UP AND THEY WERE THROWING PILLS AND LIQUOR OUT THE WINDOW.

Q WOULD YOU SAY THAT AGAIN? I CAN'T HEAR.

A CHARLIE HAD A GUN IN THE CAR AND TOMMY GOT OUT AND EXPOSED THE GUN.

Q EXPOSED IT?

A YEAH, IT WAS UNDER THE SEAT AND HE PUT THE SEAT BACK TO GET OUT BECAUSE HE WAS SITTING IN THE BACK SEAT.

Q GO AHEAD.

A AND THE SERVICE STATION MAN SAW IT AND HE GOT ALL UP-SET AND HE WAS --

Q WHO GOT UPSET?

A THE SERVICE STATION MAN.

Q GO AHEAD.

A AND EVERYBODY WAS AFRAID, WELL, TOMMY AND CHARLIE WERE AFRAID THAT HE WAS GOING TO CALL THE COPS AND THEY WERE GOING TO COME AND SEARCH THE CAR, SO THEY HAD TO, THEY HAD TO THROW ALL THEIR PILLS OUT AND ALL

THE LIQUOR THAT WAS IN THE CAR.

Q HAD TO THROW OUT PILLS AND LIQUOR; WHERE DID THEY THROW THEM?

A ON THE SIDE OF THE ROAD.

Q DID THEY THROW AWAY THIS GUN?

A I DON'T KNOW. I DON'T IMAGINE THEY WOULD. A GUN IS AN EXPENSIVE INSTRUMENT.

Q WELL, WAS THE LIQUOR EXPENSIVE?

A NOT AS EXPENSIVE AS THE GUN, I DON'T IMAGINE.

Q YOU SAY ALL THIS LIQUOR, HOW MUCH DID THEY THROW AWAY?

A AT LEAST ONE BOTTLE OF IT.

Q AND THIS WAS A BOTTLE OF LIQUOR THAT HAD LIQUOR IN IT, THAT WAS FULL OR PARTIALLY FULL?

A OH, CHARLIE HAD BEEN DRINKING OUT OF IT.

Q ALL RIGHT, BUT IT STILL HAD THE LIQUOR IN IT?

A YES.

Q YES, AND THEN, THEY THREW AWAY BOXES OF PILLS?

A YES.

Q OR BOTTLES OF PILLS?

A BOXES.

Q HOW MANY?

A I DON'T KNOW. THERE WERE SOME WRAPPED UP IN A KLEENEX AND THEY THREW THOSE OUT AND THEY THREW SOME OTHERS OUT. THEY WERE IN THE GLOVE COMPARTMENT.

Q ALL RIGHT. THAT WAS THE LONG STOP, AND YOU SAY THAT

TOOK QUITE A WHILE TO DO THAT?

A DIDN'T TAKE QUITE A WHILE, IT JUST TOOK LONGER THAN ALL THE GASOLINE STOPS.

Q ALL RIGHT. IT DIDN'T TAKE OVER THIRTY MINUTES THEN?

A NO, SIR.

Q THEN, YOU STOPPED FOR GASOLINE AT THAT TIME AND, AT LEAST, ONCE OR TWICE MORE, DIDN'T YOU?

A YES, SIR.

Q ANY OTHER STOPS FOR GASOLINE, MORE THAN THREE, FOR EXAMPLE?

A I DON'T KNOW, SIR.

Q ALL RIGHT, BUT NOT A GREAT NUMBER OF STOPS?

A NO, SIR.

Q AND, IN TURN, YOU SAID SOMETHING ABOUT EATING?

A YES, SIR.

Q DO YOU REMEMBER WHERE YOU ATE?

A I THINK WE ATE IN TEXARKANA, I'M NOT SURE.

Q AND WOULD YOU REMEMBER THE TIME OF DAY IT WAS?

A IT WAS BREAKFAST. IT WAS JUST BEGINNING TO GET LIGHT OUTSIDE.

Q ALL RIGHT, AND THEN, AGAIN, YOU ATE, AND THAT WOULD HAVE BEEN, IF I UNDERSTAND YOUR TESTIMONY, TUESDAY MORNING, BECAUSE IF YOU LEFT ON --

A YES.

Q -- ON MONDAY, IT WOULD HAVE BEEN A TUESDAY MORNING?

A YES, SIR.

Q WELL, GO AHEAD NOW.

YOU STOPPED AT LEAST ONE OTHER TIME TO EAT, OR DID YOU?

A NO, SIR. NOBODY NEEDED TO EAT. I WASN'T HUNGRY.

Q ALL RIGHT, SO, YOU CONTINUED THAT DAY AND ARRIVED AT 5:00 P.M., SO, YOU WERE RIDING FROM MIDNIGHT OR EARLIER UNTIL YOU GOT TO NASHVILLE, CORRECT?

A YES, SIR.

Q IF YOU LEFT AT MIDNIGHT, THAT WOULD BE SEVENTEEN HOURS, WOULDN'T IT?

A YES, SIR.

Q DID YOU LEAVE BEFORE MIDNIGHT?

A I DON'T RECALL EXACTLY WHEN WE LEFT.

Q BUT, WHEN YOU SAY YOU ARRIVED AT 5:00 P.M., ARE YOU USING THE ARRIVAL TIME OF WHEN THE CAR GOT THERE OR WHEN YOU CHECKED INTO YOUR HOTEL?

A ABOUT WHEN THE CAR GOT THERE.

Q I SEE, SO YOU DIDN'T GET IN THE HOTEL UNTIL 6:30, IF YOU STAYED OUTSIDE AN HOUR AND A HALF, DID YOU?

A NO, IT WAS BEGINNING TO GET DARK.

Q THERE'S ONE THING I WANT TO BE SURE OF AND I WILL ASK YOU: DURING THE TIME, FROM THE WAY YOU HAVE DESCRIBED IT, YOU DID NOT HAVE SEXUAL INTIMACY WITH TOMMY BERGEN WHILE YOU WERE IN NASHVILLE, DID YOU?

A NO, SIR.

Q OR ON THE WAY UP?

A NO, SIR.

Q ALL RIGHT. WHEN YOU CAME BACK AND GOT BACK AT SOME HOUR ON SUNDAY NIGHT IN OCTOBER, WHO TOOK YOU HOME?

A TOMMY.

Q HOW DID YOU GET IN HIS CAR?

A CHARLIE DROPPED TOMMY OFF AT HIS HOUSE AND WE DROVE AROUND THE CORNER AND WAITED FOR TOMMY.

Q I BEG YOUR PARDON, YOU WENT OFF AND LEFT ME.

A CHARLIE TOOK TOMMY TO HIS HOUSE, AND THEN, WE WENT AROUND THE CORNER. WE WERE IN CHARLIE'S CAR STILL, AND WE WENT AROUND THE CORNER AND WAITED FOR TOMMY TO GET IN HIS CAR AND COME AROUND THE CORNER AND MEET US AND AFTER HE CAME AROUND THE CORNER, HE STOPPED AND THEY PUT MY BAGGAGE INTO TOMMY'S CAR AND CHARLIE WENT HIS WAY AND TOMMY TOOK ME HOME.

Q WHAT ADDRESS DID HE TAKE YOU TO?

A 4500 BIRCH, BELLAIRE, TEXAS.

Q WHEN WAS THE NEXT TIME YOU SAW TOMMY?

A I DIDN'T SEE HIM FOR A LONG TIME AFTER THAT BECAUSE I WAS MAD AT HIM. I DON'T REMEMBER EXACTLY WHEN IT WAS THAT I SAW HIM.

Q WAS IT ANY TIME AT ALL WITHIN THAT FOLLOWING MONTH?

A NO, SIR.

Q WHEN DID YOU GET OVER BEING MAD AT HIM?

A I REALLY HAVEN'T.

Q WELL, YOU'RE FRIENDLY TOWARD HIM NOW, AREN'T YOU?

A NO, SIR.

Q YOU WEREN'T SITTING OUT LAUGHING AND CHATTING WITH HIM THIS MORNING?

A NO. I WAS SITTING NEXT TO HIM.

Q YOU HAVE NOT GONE WITH TOMMY BERGEN SINCE YOU GOT OUT OF THE CAR ON THE --

A NO, SIR.

Q -- NIGHT OF SUNDAY WHEN YOU CAME BACK?

A NO, SIR.

Q NEVER BEEN OUT WITH HIM AGAIN?

A NO, SIR.

Q NEVER MET HIM ANYWHERE?

A NO.

Q NEVER HAD ANY OTHER SOCIAL EXCHANGE WITH HIM?

A NO.

Q I DON'T KNOW IF I'M USING THE RIGHT WORD, BUT I WANT TO, YOU DIDN'T HAVE ANY DATES OR CONVERSATIONS WITH HIM?

A NO.

Q SINCE OCTOBER OF 1965 UNTIL NOW?

A WELL, I TALKED TO HIM.

MR. HARTMAN: I DON'T BELIEVE IT WOULD BE

ADMISSIBLE, NOW, I DON'T KNOW WHAT THEY HAVE, BUT THE INDICTMENT DAY IS NOVEMBER THE 1ST.

THE COURT: LET'S GET BACK ON THE CASE. GO AHEAD.

Q (BY MR. MUCH) I WANT TO KNOW WHETHER OR NOT YOU HAVE DISCUSSED YOUR TESTIMONY HERE?

A NO.

Q WITH TOMMY BERGEN?

A NO.

Q SINCE?

A NO, NO.

Q -- SINCE YOU GOT BACK ON OCTOBER OF 1965?

A NO, SIR.

Q HAS HE DISCUSSED HIS WITH YOU?

A NO, SIR.

Q YOU HAVEN'T TALKED AT ALL ABOUT THIS INCIDENT OF YOUR GOING UP WITH HIM SINCE OCTOBER OF 1965?

MR. HARTMAN: WELL, NOW, LET'S MAKE THE QUESTION, CLEAR, YOUR HONOR. HE'S KIND OF DRAGGING IN ANOTHER INFERENCE HERE AND SOMETHING ELSE AND WE OBJECT TO THE WAY HE IS TACKING THE SECOND QUESTION ON TO THE FIRST ONE.

THE COURT: WELL, MAKE IT CLEARER,

COUNSEL.

REFRAME.

MR. MUCH: ALL RIGHT.

Q (BY MR. MUCH) SINCE YOUR RETURN ON SUNDAY IN OCTOBER OF 1965, WHEN TOMMY BERGEN LET YOU OUT AT 4500 BIRCH IN HOUSTON, TEXAS, OR BELLAIRE, TEXAS, YOU HAVE NOT, SINCE THAT TIME, DISCUSSED THAT TRIP WITH TOMMY BERGEN?

A NO, SIR.

Q I SEE.

A NOT WITH TOMMY BERGEN.

Q WITH WHOM DID YOU DISCUSS IT?

A MY DADDY.

Q I SEE.

A AND MRS. BERNER AND MR. DEER AND MR. HATTINGER AND MR. APPLEWHITE AND MR. VAUGHAN.

Q I DIDN'T HEAR THE LAST ONE.

A MR. VAUGHAN.

Q OH, BOND?

A NO, NO, VAUGHAN.

Q I'M SORRY. WOULD YOU SPELL IT.

THE COURT: V-A-U-G-H-A-N.

THE WITNESS: V-A-U-G-H-A-N.

Q (BY MR. MUCH) OH, VAUGHAN, THAT'S TOMMY BERGEN'S LAWYER?

A HE'S A FRIEND OF MINE.

Q A FRIEND OF YOURS?
A YES, SIR.
Q ALL RIGHT, GO AHEAD.
A THAT'S ALL.
Q AND THAT WAS HERE IN THE COURTROOM?
A YES, SIR.
Q YOU HAVE NEVER TALKED TO ME AT ANY TIME, ANY PLACE UNTIL THIS MORNING, IS THAT CORRECT?
A I DON'T BELIEVE SO.
Q AND ALL OF THAT HAS BEEN IN THE PRESENCE OF THE JURY?
A YES, SIR.
Q ALL RIGHT. NOW, EARLIER TODAY YOU SAID THAT YOU MET TOMMY BERGEN --

MR. HARTMAN: I OBJECT TO HIM RESTATING ANY MORE TESTIMONY. HE JUST KEEPS RESTATING WHAT HE HAS ALREADY ASKED HER.

THE COURT: THAT'S TRUE, COUNSEL. DON'T REPEAT.

Q (BY MR. MUCH) IS IT STILL YOUR TESTIMONY THAT YOU MET TOMMY BERGEN LATE IN AUGUST --

MR. HARTMAN: OBJECTION.

THE COURT: I BELIEVE THAT'S A REPETITIOUS QUESTION, BOUND TO CALL FOR A REPETITIOUS ANSWER, COUNSEL.

GO AHEAD. DON'T REPEAT.

COURT WILL STAND ADJOURNED UNTIL 9:30 IN THE MORNING, AND, MEMBERS OF THE JURY, DON'T DISCUSS THIS CASE AMONG YOURSELVES OR ALLOW ANYBODY TO DISCUSS IT WITH YOU.

DON'T READ ABOUT THE CASE OR HEAR ABOUT IT IN ANY WAY EXCEPT HERE IN THIS COURTROOM, NO OTHER WAY.

COURT WILL STAND ADJOURNED UNDER THE RULE UNTIL 9:30 IN THE MORNING.

MR. HARTMAN: YOUR HONOR --

(THE JURY WITHDREW.)

THE COURT: WHAT WAS IT, GENTLEMEN?

MR. HARTMAN: WE WANTED THE UNDERSTANDING THAT COUNSEL WOULD KEEP THE STATEMENTS AND READ THEM HERE AND AT THE CONCLUSION HERE TODAY I'LL LET HIM HAVE THEM BACK AND NOT TAKE THEM BACK AND HE SAYS THAT HE'LL DO THAT.

MR. MUCH: I WOULD LIKE TO REQUEST THAT SINCE ONE PURPORTS TO BE A COPY, IF I CAN HAVE ONE --

THE COURT: NO, YOU CAN HAVE THEM HERE IN OPEN COURT. I'M SURE THE CLERK WILL BE HERE AS EARLY AS 8:30 IN THE MORNING.

MR. MUCH: WELL, WILL THE STATEMENT BE HERE, TOO, COUNSEL, AS EARLY AS 8:30?

MR. APPLEWHITE: YES.

THE COURT: WELL, IN YOUR OFFICE OR WHERE?

MR. APPLEWHITE: DO YOU WANT TO BE HERE AT 8:30 IN THE MORNING TO GO OVER THESE STATEMENTS?

MR. MUCH: I WOULD LIKE TO READ THEM NOW, BUT WITH THE OPPORTUNITY TO REVIEW THEM.

MR. APPLEWHITE: I'LL HAVE THEM HERE AT 8:30 IN THE MORNING IF YOU WANT THEM.

THE COURT: ALL RIGHT, HAVE THEM AVAILABLE FOR HIM, MR. APPLEWHITE.

MR. MUCH: I'LL JUST READ ONE OF THEM NOW.

****

JANUARY 17, 1967

MORNING SESSION

9:30 A.M., O'CLOCK

THE COURT: PLEASE BE SEATED, EVERYONE.

READY TO PROCEED, GENTLEMEN?

MR. MUCH: YES, SIR.

MR. APPLEWHITE: YES, YOUR HONOR.

CROSS EXAMINATION (CONTINUED)

BY MR. MUCH:

Q LYNDA, YOU ARE THE SAME LYNDA PUCKETT WHO TESTIFIED YESTERDAY FOR THE GOVERNMENT AND ALSO ANSWERED QUESTIONS BY ME ON CROSS EXAMINATION UNTIL THE COURT RECESSED?

A YES, SIR.

Q IF I RECALL CORRECTLY, WHEN THE COURT RECESSED, I WAS ASKING YOU ABOUT WHAT YOU, THE NUMBER OF TIMES YOU ENCOUNTERED OR TALKED WITH TOMMY BERGEN WHILE YOU WERE IN NASHVILLE, AND NOW, I WANT TO ASK YOU ABOUT CHARLIE BOOTH IN NASHVILLE AND HAVE YOU TELL ME WHAT CONVERSATIONS YOU HAD WITH HIM OR WHAT MEETINGS YOU HAD WITH HIM OR WHAT YOU DID WITH HIM FROM THE TIME

YOU REACHED NASHVILLE IN OCTOBER OF 1965 UNTIL SATURDAY NIGHT OF THAT SAME WEEK.

A I HAD NO ENCOUNTER WHATSOEVER WITH HIM EXCEPT TO SEE HIM IN THE LOBBY. I NEVER SAID ANYTHING TO HIM EXCEPT MAYBE "HI."

Q YOU DIDN'T GO TO ANY ROOMS WITH HIM?

A NO.

Q YOU DID NOT HAVE ANY INSTRUCTIONS OR DIRECTIONS OR ORDERS FROM HIM?

A NO, SIR.

Q AND, IF I UNDERSTAND YOU CORRECTLY, YOU DID NOT EVEN HAVE TELEPHONE CONVERSATIONS WITH HIM AT ANY TIME?

A NO, SIR.

Q AND YOU HAVE MENTIONED THAT ON A WEDNESDAY NIGHT YOU WENT TO DINNER AT A TABLE WHERE THERE WAS A LARGE GROUP OF PEOPLE?

A YES, SIR.

Q AMONG THOSE WERE STEVE TYRELL OR STEVE BELLEAUX, WAS IT NOT?

A YES, SIR.

Q OF COURSE, YOU HAVE MENTIONED TOMMY BERGEN, WHO ELSE WAS AT THAT TABLE?

MR. APPLEWHITE: I OBJECT TO THAT AS BEING REPETITIOUS.

MR. MUCH: I HAVE NEVER HEARD WHO WAS

THERE.

THE COURT: WELL, GO AHEAD.

DON'T REPEAT.

Q (BY MR. MUCH) WAS CHARLIE BOOTH THERE?

A I DON'T RECALL. I DON'T PAY THAT MUCH ATTENTION TO HIM.

Q WAS PETER GARRIS THERE?

A YES, SIR.

Q WAS RUSS REGAN THERE?

A I DIDN'T KNOW HIM AT THE TIME. I DON'T RECALL IF HE WAS THERE.

Q WERE THERE A NUMBER OF PEOPLE OTHER THAN THOSE YOU HAVE MENTIONED?

A YES, HUEY MEAUX WAS THERE.

Q YOU SAID YOUR MOTHER WAS MARRIED LAST YEAR, DID YOU?

A YES, SIR.

Q IN WHAT MONTH?

A DECEMBER.

Q NOW, YOU SAID THAT YOU LIVED WITH YOUR FATHER ON WEST BERRY FROM JANUARY ON UNTIL SOME TIME IN 1966?

A HE LIVES ON WESTHEIMER.

Q ON WESTHEIMER?

A YES, SIR.

Q IS THAT THE SAME PLACE WHERE HE HAS A SHOP OR BUSINESS?

A YES, SIR.

Q HE HAS LIVING QUARTERS IN THE SAME BUILDING?

A YES, SIR.

Q THE LADY WAS THERE, ANYONE ELSE LIVING THERE WITH YOU AND HIM AT THE TIME?

A YES, SIR.

Q WAS IT THE LADY HE LATER MARRIED?

A YES, SIR.

Q AND HER CHILDREN ARE LIVING THERE, TOO?

A YES, SIR.

Q AND YOU HAD SOMEBODY ELSE LIVING THERE WITH YOU, DID YOU NOT, A YOUNG MAN?

A YES, SIR.

Q BLONDE YOUNG MAN?

A NO, SIR.

Q YOU WEREN'T MARRIED TO HIM, WERE YOU?

A NO, SIR.

Q WHAT WAS HIS NAME?

A TERRY LUNSFORD.

Q WOULD YOU SAY THAT FOR ME AGAIN?

A TERRY LUNSFORD.

Q WOULD YOU SPELL THE LAST NAME.

A L-U-N-S-F-O-R-D.

Q LUNSFORD; THANK YOU, MA'AM. WHEN DID YOU STOP LIVING WITH TERRY LUNSFORD?

A HE STOPPED LIVING WITH US IN MAY, APRIL OR MAY.

Q '66?

A YES, SIR.

Q ALL RIGHT. YESTERDAY YOU SAID THAT WHEN YOU LEFT HOUSTON, SHORTLY ON THE OUTSKIRTS, OR SHORTLY AFTER THAT, THAT CHARLIE BOOTH GOT IN THE BACK SEAT WITH YOU.

A YES, SIR.

Q AND THAT WHAT YOU CALL A RAPE OR AN ATTEMPTED RAPE TOOK PLACE?

A YES, SIR.

Q HOW LONG AN INTERVAL OF TIME DID THIS INCIDENT REQUIRE, HOW LONG DID YOU STOP, IF YOU STOPPED?

A WE DIDN'T STOP.

Q JUST KEPT GOING; ALL RIGHT, OVER WHAT PERIOD OF TIME WAS HE IN THE BACK SEAT WITH YOU?

A OH, I STRUGGLED WITH HIM FOR ABOUT TEN OR FIFTEEN MINUTES.

Q FOLLOWING WHICH HE GOT IN THE FRONT SEAT?

A YES, SIR.

Q HE DROVE THE REST OF THE WAY, DID HE NOT?

A NO.

Q HE DROVE MOST OF THE REST OF THE WAY?

A NO, SIR.

Q OH, TOMMY DROVE?

A YES, AND I DROVE.

Q AND YOU DROVE?

A YES, SIR.

Q APART FROM THAT ONE INSTANCE, THOUGH, THERE WAS NOTHING ELSE THAT TOOK PLACE ALONG THE WAY WITH REFERENCE TO ANY ABUSE OF YOU, WAS THERE?

A NO, SIR.

Q I SEE.

A -- EXCEPT WHEN WE CAME BACK.

Q YES, MA'AM. I'M SPEAKING OF EN ROUTE UP.

A YES, SIR.

Q IF I UNDERSTOOD YOU, YOU SAID YOU STAYED FIRST IN ROOM 151?

A YES, SIR.

Q AND YOU MOVED, DID YOU NOT, ON THE SECOND DAY, TO A ROOM OCCUPIED BY PETER GARRIS AND STEVE TYRELL, BELLEAUX, OR STEVE TYRELL?

A YES, I MOVED ON WEDNESDAY.

Q ON A WEDNESDAY; AND WHO TOLD YOU TO MOVE?

A PETER GARRIS.

Q IT WAS NOT TOMMY BERGEN?

A NO, SIR.

Q ALL RIGHT. WHEN YOU WENT TO THE ROOM, I BELIEVE YOU SAID YOU WERE CALLED BY HUEY TO COME TO HIS ROOM WHERE YOU SUBSEQUENTLY REMOVED A GARMENT?

A YES, SIR.

Q THAT WAS OCTOBER THE 19TH, AND I WANT TO KNOW WHO WAS IN THE ROOM.

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS BEING REPETITIOUS, ALSO.

THE COURT: I THINK IT IS, BUT GO AHEAD.

A PETER GARRIS, STEVE TYRELL, HUEY MEAUX.

Q (BY MR. MUCH) ANYBODY ELSE?

A THERE WAS SOMEONE ELSE BUT I DON'T KNOW THEIR NAME.

Q ONE OTHER PERSON?

A YES, SIR.

MR. MUCH: MAY I HAVE THIS MARKED, PLEASE, SIR, DEFENDANT'S EXHIBIT NO. 1?

THE CLERK: YES.

(WHEREUPON, DEFENDANT'S EXHIBIT NO. 1 WAS MARKED FOR IDENTIFICATION BY THE COURT REPORTER.)

MR. MUCH: MAY I PRESENT IT TO COUNSEL AND THE WITNESS?

THE COURT: YES.

MR. MUCH: MAY I APPROACH THE WITNESS?

THE COURT: YES.

Q (BY MR. MUCH) LYNDA, I WANT YOU TO LOOK AT WHAT HAS BEEN MARKED DEFENDANT'S EXHIBIT NO. 1 AND I WILL ASK YOU WHETHER YOU RECOGNIZE THAT AS A PICTURE OF THE MAN

THAT YOU WOKE UP WITH IN BED IN OCTOBER OF 1965 IN PETER GARRIS' ROOM?

A THAT LOOKS LIKE HIM.

Q AND WHEN YOU SAY "HIM," YOU MEAN STEVE TYRELL, DON'T YOU?

A YES, SIR.

Q AND YOU ALSO MEAN STEVE BELLEAUX, IS THAT HIS OTHER NAME?

A THAT'S HIS LAST NAME.

MR. MUCH: MAY I PRESENT THIS TO THE JURY AND OFFER IT IN EVIDENCE?

THE COURT: YES.

MR. APPLEWHITE: NO OBJECTION.

MR. MUCH: THAT'S THE WAY HE LOOKED -- EXCUSE ME, YOUR HONOR.

Q (BY MR. MUCH) THAT'S THE WAY, LYNDA, HE LOOKED IN 1965, IS IT NOT?

A NOT EXACTLY.

Q WHEN YOU WENT TO RUSS REGAN'S ROOM, IT IS YOUR TESTIMONY SOMEONE ELSE WENT WITH YOU, PETER GARRIS?

A YES, SIR.

Q ISN'T IT A FACT THAT YOU MET RUSS REGAN ON WEDNESDAY IN OR ON THE GROUND FLOOR WITH CHARLIE BOOTH AND CHARLIE BOOTH INTRODUCED YOU?

A NO, SIR.

Q THAT'S NOT TRUE?

A NO, SIR.

Q ALL RIGHT. ISN'T IT A FACT THAT LATER YOU, YOURSELF, ALONE, ENCOUNTERED RUSS REGAN?

A NO, SIR.

Q AND ISN'T IT A FACT THAT YOU WENT ALONE WITH RUSS REGAN TO HIS ROOM AND ATE SOME FOOD THERE?

A NO, SIR.

Q DO YOU RECALL WHETHER OR NOT YOU HAD ANY DISCUSSION WITH RUSS REGAN IN HIS ROOM ABOUT SOME ENTERTAINERS, SOME SINGERS?

A NO, SIR.

Q WILL YOU SAY YOU DID NOT?

A I WOULDN'T SAY BECAUSE I DON'T RECALL.

Q ALL RIGHT. ABOUT HOW LONG DID YOU STAY THERE?

A THIRTY, FORTY-FIVE MINUTES.

Q AND DURING THAT PERIOD OF TIME, YOU SAY YOU HAD SEXUAL INTIMACIES?

A YES, SIR.

Q AND LEFT?

A YES, SIR.

Q WHAT TIME OF DAY DID YOU SAY IT WAS?

A DAYTIME.

Q AFTER THAT DID YOU HAVE ANY MORE TRANSACTIONS OR CONVERSATIONS WITH RUSS REGAN UNTIL YOU LEFT NASHVILLE AT

THE END OF THE WEEK?

A I SAW HIM IN THE LOBBY A FEW TIMES.

Q WAS THAT ALL?

A YES, SIR.

Q I DON'T WANT TO REPEAT OR GO OVER TESTIMONY YOU HAVE GIVEN EXCEPT THERE WAS A PART OF WHAT YOU SAID IN ANSWER TO THE UNITED STATES DISTRICT ATTORNEY THAT I DID NOT UNDERSTAND, AND THAT WAS AT THE TIME YOU LEFT NASHVILLE, AS I UNDERSTAND IT, YOU WERE IN WHAT YOU CALL THE MOTOR LOBBY?

A YES, SIR.

Q IS THAT THE LOBBY OR SUBTERRANEAN GARAGE UNDERNEATH THE MOTEL, OR DID YOU MEAN OUT BESIDE THE MOTEL?

A IT WAS OUT BESIDE THE MOTEL.

Q AND YOU SAID HUEY MEAUX WAS STANDING INSIDE THE MOTEL?

A NO.

Q YOU DID NOT, I AM SORRY, AND WILL YOU TELL ME, YOU SAID SOMETHING ABOUT THE PASSAGE OF MONEY AND SOME LANGUAGE THAT WAS USED, AND I WANT TO KNOW WHAT YOU SAY, WHO SAID WHAT AND HOW MONEY WAS PASSED.

A HUEY MEAUX SAID TO CHARLIE BOOTH, "HERE IS TWO HUNDRED DOLLARS; GIVE A HUNDRED DOLLARS OF IT TO HER AND GIVE TOMMY THE REST."

Q YES. NOW, YOU HAVE SAID EARLIER THAT YOU HAD A MEETING BEFORE YOU LEFT FOR NASHVILLE WITH HUEY MEAUX AND

CHARLIE BOOTH AND TOMMY BERGEN, IN WHICH YOU DISCUSSED WITH THEM THE AMOUNT OF MONEY THAT TOMMY BERGEN WAS TO GET FROM ANY MONIES PAID TO YOU, AND YOU SAID IT WAS TO BE EITHER A THIRD OR A FOURTH, DO YOU REMEMBER THAT TESTIMONY?

A YES, SIR.

Q CAN YOU TELL ME ANY CONVERSATION BETWEEN YOU AND TOMMY OR YOU AND EITHER MR. MEAUX OR MR. BOOTH WHICH CHANGED THAT ARRANGEMENT?

A NO. THEY CHANGED IT WITHOUT CONSULTING ME.

Q THAT MADE YOU ANGRY?

A NO, I DIDN'T LIKE IT, THOUGH.

Q WHEN YOU WENT TO FOLEY'S TO FILL THE PRESCRIPTION MADE FOR YOU BY DR. TED SCHAFER --

A YES.

Q YOU WENT TO FOLEY'S SPECIFICALLY BECAUSE TOMMY BERGEN, III TOLD YOU TO GO THERE, DIDN'T YOU?

A NO, I TOLD HIM I WAS GOING TO GO THERE IF I COULD PLEASE USE HIS CHARGE ACCOUNT.

Q AND THE CHARGE ACCOUNT THAT YOU USED WAS HIS FATHER'S CHARGE ACCOUNT, TOMMY BERGEN, II, WASN'T IT?

A YES, SIR.

Q AND YOU AND TOMMY AGREED THAT TOMMY WOULD INTERCEPT THE BILL AND HE WOULD PAY IT, DIDN'T YOU?

A YES, SIR.

Q IF I UNDERSTOOD YOU CORRECTLY, YOU MET BARRIE IN JUNIOR HIGH SCHOOL, AND HOW LONG HAD YOU KNOWN HER ON AUGUST 24TH, 1965?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS AS BEING REPETITIOUS, NOT MATERIAL ANYHOW.

THE COURT: WELL, DON'T REPEAT. GO AHEAD.

A I SAID THIS ONCE, IT WAS ABOUT A YEAR.

Q ALL RIGHT. NOW, YOU HAVE GIVEN STATEMENTS BOTH TO THE HOUSTON POLICE DEPARTMENT AND TO THE UNITED STATES DISTRICT ATTORNEY OR THE F.B.I., HAVE YOU NOT, IN CONNECTION WITH THE INCIDENTS YOU ARE TALKING ABOUT HERE?

A THE F.B.I. AND THE DISTRICT ATTORNEY.

Q AND TO THE HOUSTON POLICE DEPARTMENT, DID YOU NOT?

A LILA BERNER WAS PRESENT, BUT THE STATEMENT WAS NOT MADE TO THE HOUSTON POLICE DEPARTMENT.

Q ALL RIGHT. THIS MRS. BERNER YOU'RE TALKING ABOUT IS THE LADY SITTING OUT THERE WITH THE RED HAIR?

A YES, SIR.

Q AND SHE WAS ATTACHED THEN TO THE JUVENILE DEPARTMENT OF THE HOUSTON POLICE FORCE, WAS SHE NOT?

A YES, SIR.

Q ALL RIGHT, AND YOU MADE IT IN THE POLICE STATION?

A YES, SIR.

Q ALL RIGHT, AND YOU TOLD HER, DID YOU NOT, OR MADE A STATEMENT THAT YOU MET TOMMY BERGEN IN THE EARLY SPRING OF 1965?

A WELL, NO, BECAUSE I DIDN'T.

Q I'M MERELY ASKING YOU IF YOU MADE THE STATEMENT.

A NO, SIR.

Q YOU DID NOT; I ASK FOR THE STATEMENTS THAT HAVE BEEN RETAINED BY THE GOVERNMENT, MAY IT PLEASE THE COURT, THAT I ASKED ABOUT YESTERDAY.

IN ADDITION TO THAT, YOU WERE INTERVIEWED, WERE YOU NOT, BY MR. APPLEWHITE HERE IN HIS OFFICE HERE IN THIS BUILDING ON OR ABOUT NOVEMBER 9, 1965, AT WHICH TIME, LYNDA PUCKETT, GERALD APPLEWHITE AND MR. TINBINSEL OF THE F.B.I. WERE PRESENT?

A YES, SIR.

Q AND YOU WERE INTERVIEWED AND THEY MADE A RECORD OF THAT INTERVIEW, DIDN'T THEY?

A YES, SIR.

Q AND SINCE THAT TIME IN THE LAST TWO OR THREE DAYS, YOU HAVE HAD AN OPPORTUNITY TO GO OVER THAT STATEMENT, HAVEN'T YOU?

A YES, SIR.

Q AND YOU NOT ONLY WENT OVER IT, BUT YOU MADE PENCILLED CORRECTIONS, DIDN'T YOU?

A YES, SIR.

MR. APPLEWHITE: YOUR HONOR, I BELIEVE THAT --

MR. MUCH, THAT WAS MADE IN '66. YOU SAID '65.

MR. MUCH: I APOLOGIZE, I MEANT '66, AND YOU UNDERSTOOD IT TO BE '66 WHEN I ASKED YOU, DIDN'T YOU?

A YES, SIR.

Q (BY MR. MUCH) LAST NOVEMBER.

I WANT YOU TO READ, IF YOU WILL, THIS SENTENCE BEGINNING WITH: "I MET TOMMY BERGEN..."

"I MET TOMMY BERGEN SOME TIME DURING THE SPRING OF 1965 OR EARLY SUMMER..." IS THAT WHAT IT SAYS?

A YES. I MET TOMMY ON AUGUST 25TH, IF YOU'LL READ THE NEXT SENTENCE.

Q I UNDERSTAND YOU MET HIM AGAIN, BUT I'M MERELY ASKING IF THAT SENTENCE DOESN'T SAY YOU MET HIM IN THE EARLY SPRING OR SUMMER?

A THIS IS WHEN I MET HIM.

Q WILL YOU JUST READ THE SENTENCE I'M ASKING YOU.

A "I MET TOMMY BERGEN DURING THE SPRING OF 1965 OR EARLY '65. I MET TOMMY BERGEN ON AUGUST 25TH THROUGH BARRIE BROCKSTEIN, WHO WAS A FRIEND OF MINE AT THAT TIME."

Q ISN'T IT A FACT THAT INSTEAD OF BARRIE BROCKSTEIN INTRODUCING YOU TO TOMMY BERGEN --

A THAT'S WHAT HAPPENED, SIR.

Q -- BEFORE THAT, YOU INTRODUCED TOMMY BERGEN AND BARRIE BROCKSTEIN TO EACH OTHER?

A NO.

Q NEVER DID THAT?

A NO, SIR.

Q YOU SAID THAT YOU NEEDED FIFTY DOLLARS OR MONEY TO PAY OFF A CHARGE ACCOUNT AND THAT WAS ONE OF THE REASONS YOU MET TOMMY BERGEN; DID YOU GET FIFTY DOLLARS FROM TOMMY BERGEN IN THE LATTER PART OF AUGUST OR THE EARLY PART OF SEPTEMBER 1965?

A YES, SIR.

Q DID YOU USE THE MONEY TO PAY OFF THE CHARGE ACCOUNT?

A YES, SIR.

Q WHEN YOU WENT TO THE TREE RECORDING STUDIO IN THE LATTER PART OF THE WEEK, WHETHER IT WAS FRIDAY OR SATURDAY IN 1965, IN OCTOBER WITH JOHN HURLEY TO HEAR SOME TAPES --

A YES, SIR.

Q WAS EITHER HUEY MEAUX OR TOMMY BERGEN OR CHARLIE BOOTH THERE?

A NO, SIR.

Q WHEN DID YOU FIRST MEET CHARLIE BOOTH?

A LATE SUMMER OR EARLY SEPTEMBER OF 1965.

Q WAS IT AT THE TIME YOU WENT TO THE MUSIC BUILDING THE FIRST TIME?

A YES, SIR.

Q NEVER MET HIM BEFORE?

A NO, SIR.

Q I HAVE ALREADY ASKED YOU ABOUT THE STATEMENT YOU MADE TO MR. APPLEWHITE. I WANT TO ASK YOU WHETHER OR NOT IN THAT STATEMENT YOU SAID THAT, "LATER DURING THE SAME DAY, I WENT TO ROOM 276 OR 236 WHERE PETE AND STEVE BELLEAUX WERE STAYING AND NO ONE WAS THERE."

YOU DID SAY THAT, DIDN'T YOU, IN THE STATEMENT?

A YES, SIR.

Q AND THEN, YOU SAID, "TOMMY BERGEN TOLD ME I WOULD HAVE TO MOVE IN WITH STEVE BELLEAUX AND PETE GARRIS BECAUSE FLORENCE AND DION WARWICK WERE TAKING MY ROOM."

DID YOU MAKE THAT STATEMENT?

A I DON'T RECALL.

Q I'LL SHOW IT TO YOU.

A I HAVEN'T SIGNED THAT STATEMENT.

Q I KNOW YOU HAVEN'T SIGNED IT, BUT I ASK YOU IF YOU HAVE BEEN OVER IT AND READ IT AND I WILL ASK YOU IF THOSE MARKINGS AREN'T YOUR OWN HANDWRITING WHERE YOU CORRECTED IT?

A YES.

Q SO, YOU WENT OVER IT AND YOU REVIEWED IT, DID YOU NOT?

A YES, PART OF IT.

Q AND, FOR THE PURPOSES OF TESTIFYING IN THIS COURT?

A YES, SIR.

Q AND THEN, I'LL ASK YOU IF YOU, ON PAGE 4, YOU DIDN'T HAVE THAT MEMORANDUM AND THAT IT DOESN'T SAY, "TOMMY BERGEN TOLD ME THAT I WOULD HAVE TO MOVE IN WITH STEVE BELLEAUX AND PETE GARRIS"?

A I HAVEN'T SIGNED THAT STATEMENT, SIR.

Q I KNOW YOU HAVEN'T SIGNED IT, BUT DID YOU MAKE THE STATEMENT AS IT IS RECITED AND AS YOU REVIEWED IT FOR THE PURPOSE OF TESTIFYING?

A I DON'T RECALL REVIEWING THAT PART OF IT. I DIDN'T MAKE THAT STATEMENT, NO, SIR.

Q ALL RIGHT.

MR. MUCH: MAY I SEE THE ONE TO THE POLICE DEPARTMENT?

MR. APPLEWHITE: WE DON'T HAVE THE ONE TO THE POLICE DEPARTMENT, JUST THE F.B.I. --

MR. MUCH: ALL RIGHT.

Q (BY MR. MUCH) YOU MADE THE STATEMENT AT THE HOUSTON POLICE DEPARTMENT IN THE PRESENCE OF LILA BERNER, AS REFLECTED BY THIS F.B.I. REPORT WHICH INDICATES THAT

YOU SIGNED IT.

A YES, SIR.

Q AND YOU MADE IT ON AUGUST THE 4TH OF 1966, RIGHT?

A YES, SIR.

Q THAT'S WHEN MRS. BERNER WAS THERE?

A YES, SIR.

Q AND, IN THAT STATEMENT, YOU SAID, DID YOU NOT, THAT, "ABOUT AUGUST OF 1965 BERGEN APPROACHED ME ABOUT GOING TO NASHVILLE, TENNESSEE TO A CONVENTION OF COUNTRY MUSIC."

A ABOUT AUGUST, IT WAS MORE LIKE SEPTEMBER.

Q BUT, HE DID DO THAT?

A YES, SIR.

MR. APPLEWHITE: I BELIEVE THE STATEMENT WAS MADE AUGUST THE 1ST AND TYPED BY THE F.B.I. ON AUGUST THE 4TH.

MR. MUCH: IT WAS MADE AGAIN BECAUSE IT'S DATED AT THE TOP AUGUST 4, AND I MEANT TO ASK YOU ABOUT YOUR STATEMENT MADE AUGUST 1ST, YOU UNDERSTAND THAT?

A YES, SIR.

Q (BY MR. MUCH) YOU HAVE REWIEWED THAT STATEMENT, ALSO, HAVE YOU NOT, WITH MR. APPLEWHITE IN THE LAST SEVERAL DAYS FOR THE PURPOSE OF TESTIFYING HERE TODAY?

A NO, SIR.

Q DID NOT?

A NO, I NEVER READ THAT STATEMENT AGAIN BECAUSE HE SAID I COULDN'T CORRECT IT ANYWAY, SO I DIDN'T SEE ANY POINT IN READING IT.

Q YOU SIGNED IT WITHOUT READING IT?

A NO, I DIDN'T SIGN THAT ONE. I REVIEWED IT WHEN I FIRST MADE THE STATEMENT AND I WAS EXTREMELY UPSET AT THE TIME.

Q BUT, THE STATEMENT YOU MADE, WHATEVER IT IS, THIS IS WHAT WAS SAID BY YOU, OR AT LEAST, IT WAS WHAT WAS PUT IN THE STATEMENT, RIGHT?

A YES, SIR.

Q DO I UNDERSTAND YOU TO SAY THAT IF THERE IS ANY VARIANCE THERE THAT YOU SAY THE POLICE DEPARTMENT CHANGED IT ON YOU?

A NO, I WAS UPSET WHEN I SIGNED IT AND PROBABLY I DIDN'T READ IT AS CAREFULLY AS I SHOULD HAVE.

Q WHATEVER IS IN IT, SO FAR AS YOU KNOW, IS CORRECT, RIGHT?

A NO, I KNOW ONE PART THAT IS NOT CORRECT.

Q ALL RIGHT. DID YOU TELL THEM THAT BERGEN APPROACHED YOU IN THE LATTER PART OF AUGUST OR SEPTEMBER OF 1965 AND SUGGESTED YOU GO TO A CONVENTION?

A ON A TRIP, YES.

Q ON A TRIP; ALL RIGHT, AND DID YOU TELL THEM IN THAT

STATEMENT THAT TOMMY BERGEN TOLD YOU TO MOVE IN WITH PETE AND STEVE BELLEAUX?

A I DON'T RECALL.

Q BUT, YOU MIGHT HAVE?

A IT'S POSSIBLE. I WAS UPSET AT THE TIME.

Q WAS ANYBODY PRESENT OTHER THAN THE POLICE WHEN YOU WERE MAKING THIS STATEMENT?

A NO, SIR.

Q DID THE POLICE THREATEN YOU IN SOME WAY?

A YES, SIR.

Q WITH WHAT?

A THEY SAID, "IF YOU SCRATCH OUR BACKS, WE'LL SCRATCH YOURS."

Q THEY TOLD YOU IF YOU MADE THIS KIND OF STATEMENT THEY WOULD SCRATCH YOUR BACK?

YOU UNDERSTOOD AT THAT TIME, DID YOU NOT, THAT YOU MIGHT BE IN SOME TROUBLE WITH THE JUVENILE DEPARTMENT?

A YES, SIR.

Q AND YOU KNEW FOR SURE THAT TOMMY BERGEN WAS, DIDN'T YOU?

A YES, SIR.

Q YOU KNEW THAT HE HAD BEEN CHARGED WITH --

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS. NOT ADMISSIBLE INTO EVIDENCE,

WHAT CONCERNS TOMMY BERGEN, ONLY WHAT CONCERNS THIS WITNESS.

THE COURT: TAKE THE JURY OUT, MR. BAILIFF.

(THE JURY RETIRED.)

THE COURT: NOW, IN THE ABSENCE OF THE JURY, GO AHEAD.

Q (BY MR. MUCH) YOU KNEW, DID YOU NOT, THAT TOMMY BERGEN HAD BEEN CHARGED WITH POSSESSION OF NARCOTICS AND WITH HAVING UNDULY INFLUENCED JUVENILE GIRLS BOTH FOR SEXUAL PURPOSES AND FOR THE USE OF NARCOTICS, YOU KNEW ABOUT THAT, DIDN'T YOU?

A I KNEW AFTER I MADE THE STATEMENT.

Q WELL, THEN, WHAT WAS IT THAT UPSET YOU IF YOU DID KNOW ABOUT TOMMY?

THE COURT: I'LL PASS ON THAT, IF THAT HAPPENED, SHE FOUND OUT THAT AFTERWARD, WHY, IT WOULDN'T BE ADMISSIBLE.

MR. MUCH: MAY I CONTINUE BEFORE THEY ARE BROUGHT BACK IN?

THE COURT: YES.

Q (BY MR. MUCH) BEFORE YOU WENT DOWN TO THE POLICE STATION, WHO TOLD YOU TO COME THERE?

A I DIDN'T COME, I WAS TAKEN.

Q WHO TOOK YOU THERE?

A LILA BERNER AND OFFICER DER.

Q DID THEY TELL YOU WHAT YOU WERE GOING TO BE ASKED ABOUT?

A NO.

Q DID THEY ASK YOU ANY QUESTIONS IN ADVANCE AS TO WHAT YOU KNEW ABOUT TOMMY BERGEN?

A NO, SIR.

Q DID THEY ASK YOU WHAT YOU KNEW ABOUT BARRIE BROCKSTEIN?

A NO, SIR.

Q DID THEY ASK YOU ABOUT ANYBODY ELSE?

A NO, SIR.

Q THEN, HOW DID YOU HAPPEN TO MAKE THIS STATEMENT, WAS IT ALL JUST SPILLED OUT OF YOU OR DID THEY WRITE IT OUT AND SAY, "ISN'T THAT SO?"

A THEY LOCKED ME IN A LITTLE ROOM UNTIL I DECIDED TO TALK.

Q AND THEN, DID THEY ASK YOU ANY OF THE QUESTIONS THAT GOT THE INFORMATION THEY PUT ON THAT STATEMENT?

A YES, SIR.

Q DID THEY ASK YOU ABOUT TOMMY BERGEN?

A I DON'T RECALL.

Q WELL, THERE ARE STATEMENTS IN THERE ABOUT TOMMY BERGEN, AREN'T THERE?

A SURE.

Q AND THEY ASKED YOU ABOUT THEM, OR YOU VOLUNTEERED THEM, ONE OR THE OTHER, ISN'T THAT RIGHT?

A YES, SIR.

Q AND ONE OF THE THINGS YOU TOLD THEM ABOUT TOMMY WAS HIS TAKING BARBITURATES OR PILLS, WAS IT NOT?

A YES, SIR.

Q AND YOU KNOW THEY WANTED TO KNOW ABOUT THAT?

A NO, I KNEW THEY ALREADY KNEW.

MR. APPLEWHITE: YOUR HONOR, I'LL OBJECT TO THIS IN THE PRESENCE OF THE JURY AND I'LL DO SO NOW ABOUT WHAT SHE TOLD THEM CONCERNING TOMMY TAKING PILLS AND ANY OTHER THING CONCERNING TOMMY BERGEN OTHER THAN THIS TRIP.

MR. MUCH: I UNDERSTAND.

Q (BY MR. MUCH) YOU KNEW THEY ALREADY KNEW ABOUT THE BARBITURATES; HOW DID YOU KNOW?

A BECAUSE I HAD TALKED TO CAPTAIN SCHULTE OF THE VILLAGE POLICE DEPARTMENT IN FEBRUARY CONCERNING TOMMY.

Q AND HE HAD TOLD YOU THAT TOMMY WAS IN TROUBLE FOR THE USE OF NARCOTICS?

A NO, HE TOLD ME THAT THE POLICE KNEW, PERIOD.

Q HE TOLD YOU THAT POLICE KNEW ABOUT IT?

A YES, SIR.

Q DID HE ALSO TELL YOU THAT THE POLICE KNEW ABOUT TOMMY'S

TROUBLES WITH STATUTORY RAPE?

A YES, SIR.

Q BUT, YOU KNEW THAT TOMMY WAS IN TROUBLE WITH THE POLICE BECAUSE THE POLICE TOLD YOU IN FEBRUARY?

A I DIDN'T KNOW HE WAS IN TROUBLE WITH THEM. I KNEW THEY KNEW ABOUT IT.

Q AND YOU WEREN'T CONCERNED ABOUT TOMMY IN ANY WAY?

A NO, SIR.

Q AND THEN, WHY WERE YOU AFRAID THAT YOU NEEDED TO HAVE YOUR BACK SCRATCHED? WERE YOU AFRAID YOU WERE GOING TO BE CHARGED WITH SOMETHING?

A YES.

Q SURE.

WHAT?

A FORGERY AT SAKOWITZ.

Q I SEE, AND THAT HAD TO DO, THAT'S NOT THE SAME ACT YOU'RE TALKING ABOUT AT JOSEK'S EARLIER?

A NO.

Q AND THIS IS AT SAKOWITZ, AND WHOSE NAME DID YOU FORGE THERE?

A I DIDN'T FORGE IT.

Q OH?

A NO, SIR.

Q BUT, YOU WERE AFRAID THEY WOULD CHARGE YOU WITH IT?

A YES, SIR.

Q WHOSE NAME WAS IT?

A I DON'T RECALL.

MR. MUCH: YOUR HONOR, AT THIS POINT I'LL NOT PURSUE THE QUESTIONING.

THE COURT: WELL, STAND UP.

MR. MUCH: YES, I'LL NOT PURSUE THE INQUIRY.

THE COURT: I WOULDN'T THINK SO.

BRING THE JURY BACK.

MR. MUCH: THAT'S WITH REFERENCE TO MR. BERGEN'S CHARGES.

THE COURT: ALL RIGHT.

BRING THE JURY BACK.

MR. APPLEWHITE: IS IT MY UNDERSTANDING YOU WILL PURSUE THE LINE OF QUESTIONING THAT YOU JUST COMPLETED?

MR. MUCH: COUNSEL, WITH REFERENCE TO WHAT I ASKED OUTSIDE THE JURY'S PRESENCE, I'LL NOT PURSUE AT THIS TIME UNTIL THE EVIDENCE COMES IN SOME OTHER WAY, IF IT DOES.

MR. APPLEWHITE: ALL RIGHT.

MR. MUCH: -- THE LINE OF QUESTIONING ABOUT WHY SHE TESTIFIED ABOUT IT IN THE POLICE STATION.

THE COURT: -- CONCERNING MR. BERGEN?

MR. MUCH: YES.

THE COURT: ALL RIGHT.

(THE JURY RETURNED.)

THE COURT: PROCEED, GENTLEMEN.

Q (BY MR. MUCH) LYNDA, I HAVE ASKED YOU NOW ABOUT ALL YOUR CONTACTS WITH TOMMY BERGEN AT NASHVILLE, I THINK, AND WITH CHARLIE BOOTH AT NASHVILLE, AND YOU HAVE ALSO TOLD ME ABOUT AT LEAST THREE OCCASIONS THAT YOU WERE WITH HUEY MEAUX?

A YES, SIR.

Q AND I'M GOING TO OUTLINE THOSE SO WE WON'T GO INTO THEM. BRIEFLY, THE FIRST WAS WHEN YOU WENT TO A ROOM WHERE YOU REMOVED YOUR GARMENTS?

A YES, SIR.

Q AND, SECOND, WHEN YOU WENT TO HIS ROOM LATER, OR EARLY THE NEXT MORNING, LATER THAT NIGHT, OR EARLY THE NEXT MORNING?

A YES, SIR.

Q AND STAYED ALL NIGHT, THE REST OF THE NIGHT?

A YES, SIR.

Q AND ALSO, A DINNER PARTY THAT TOOK PLACE BETWEEN THOSE TWO EVENTS DOWNSTAIRS?

A YES, SIR.

Q APART FROM THOSE THREE OCCASIONS, DID YOU HAVE ANY CONVERSATIONS OR TRANSACTIONS WITH HUEY MEAUX FROM THE TIME YOU ARRIVED IN NASHVILLE UNTIL YOU GOT READY TO LEAVE AND WERE IN THE MOTOR LOBBY, EXCUSE ME, YOU DID SAY HE CAME TO YOUR ROOM AND HELPED YOU PACK, BUT UP TO THE TIME HE CAME TO YOUR ROOM AND ASKED YOU TO GET READY TO LEAVE?

A HE SAID SOMETHING ELSE TO ME, BUT I DON'T RECALL WHAT EXACTLY IT WAS.

Q WAS IT IN ANOTHER CONVERSATION OR ONE OF THESE THREE OCCASIONS?

A I DON'T RECALL.

Q HE SAID SOMETHING ELSE TO YOU?

A YES, SIR.

Q YOU DON'T KNOW WHERE IT WAS?

A NO, SIR.

Q YOU DON'T KNOW WHEN IT WAS?

A NO, IT WAS -- BEFORE -- WEDNESDAY.

Q BEFORE WEDNESDAY; ALL RIGHT.

A NO, IT WAS BEFORE THURSDAY.

Q APART FROM THAT CONVERSATION, IF IT WAS A SEPARATE CONVERSATION, YOU NEVER HAD ANY OTHERS?

A NO, SIR.

Q NOW, DO YOU KNOW OR DID YOU KNOW A DISK JOCKEY NAMED

JIM OR JAMES WOOD?

A NO -- WELL, I HAVE HEARD HIM ON THE RADIO.

Q HE WAS AT KILT, WAS HE NOT, IN THE SPRING AND SUMMER OF 1965?

MR. APPLEWHITE: YOUR HONOR, I'LL OBJECT TO THIS AS BEING IMMATERIAL. I DON'T SEE ANY RELEVANCE TO IT IN THIS CASE.

THE COURT: SHE SAID SHE DIDN'T KNOW HIM.

Q (BY MR. MUCH) YOU KNEW HE WAS WORKING, IF I UNDERSTOOD YOU, YOU LISTENED TO HIM IN THE SPRING AND SUMMER OF 1965, RIGHT?

A I DON'T RECALL WHEN I LISTENED TO HIM. I LISTENED TO HIM AT NIGHT.

Q YOU KNOW THAT TOMMY BERGEN WORKED WITH HIM AT KILT, DON'T YOU?

A NO.

Q YOU DON'T KNOW THAT?

A NO.

Q YOU NEVER WERE THERE WHEN THE TWO OF THEM WERE THERE TOGETHER IN THE SPRING OF 1965?

A NO, I DON'T KNOW HIM.

Q DID YOU EVER WORK FOR KILT AFTER YOUR RETURN FROM NASHVILLE?

A NO.

Q DID YOU EVER GO UP THERE AT NIGHT AND HELP OUT?

A NO.

Q NOW, BEFORE YOU WENT TO NASHVILLE, DID YOU INVITE BARRIE BROCKSTEIN TO GO WITH YOU?

A NO.

Q DID YOU TELL BARRIE THAT YOU WERE GOING WITH TOMMY BERGEN?

A NO, SIR.

Q DID YOU TELL BARRIE THAT YOU WERE GOING TO NASHVILLE TO MEET A LOT OF ENTERTAINERS?

A NO.

Q DO YOU KNOW WHETHER OR NOT BARRIE ASKED PERMISSION OF HER MOTHER TO GO?

A NO, SIR.

Q YOU HAVE SAID SHE BACKED OUT, HOW DID YOU DISCUSS IT WITH HER IF YOU DIDN'T MENTION ANY OF THESE THINGS?

A TOMMY TOLD ME SHE BACKED OUT.

Q YOU MENTIONED THAT, AS I RECALL, THE DATE OF OCTOBER THE 11TH THAT YOU WENT TO THE MUSIC BUILDING WITH TOMMY BERGEN AND TALKED TO HUEY MEAUX AND CHARLIE BOOTH IN TOMMY BERGEN'S PRESENCE ABOUT SOME KIND OF CONTRACT FOR YOU AS AN ARTIST TO MAKE RECORDS OR TAPES?

A YES, SIR.

Q FOLLOWING THAT CONVERSATION, DID YOU SAY IT WAS ON A

SUNDAY?

A I BELIEVE SO.

Q DID YOU HAVE ANY MORE CONVERSATIONS OR MEETINGS WITH HUEY MEAUX UNTIL YOU LEFT FOR NASHVILLE?

A WAS THIS ON THE 17TH?

Q WELL, YOU SAID YOU LEFT --

A I MEAN, THE 11TH?

Q BETWEEN THE TIME YOU LEFT, WHATEVER DATE IT WAS, 17TH AND 18TH AND THAT SUNDAY AFTERNOON YOU TALKED ABOUT, DID YOU HAVE ANY OTHER CONVERSATIONS OR MEETINGS WITH HUEY MEAUX?

A WHAT DATE WAS THIS SUNDAY AFTERNOON?

Q YOU HAVE SAID IT WAS OCTOBER THE 11TH, 1965.

A NO, SIR, I DON'T BELIEVE I DID.

Q YOU HAD NO OTHER CONVERSATIONS OR MEETINGS?

A I DON'T BELIEVE SO.

Q AND YOU HAD NO OTHER MEETINGS OR CONVERSATIONS WITH CHARLIE BOOTH AFTER THE SUNDAY UNTIL YOU MET HIM TO GO AND LEAVE FOR NASHVILLE, DID YOU?

A YES.

Q YOU DID?

A NO, SIR.

Q YOU DID NOT?

A NO, THAT'S CORRECT.

Q DID YOU WORK FOR ANYBODY IN 1966?

A YES, SIR.

Q WHERE DID YOU WORK AND WHAT HOURS OR DAYS?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO HIS AS NOT BEING MATERIAL AT ALL.

THE COURT: THAT'S AFTER THE OCCURRENCE IN QUESTION -- WHAT WOULD BE THE MATERIALITY OF IT?

STAND UP.

MR. MUCH: YOUR HONOR, I WANT TO PURSUE HER ACTIVITIES, I ALREADY KNOW THAT SHE HAD MOVED BACK AND FORTH WITH REFERENCE TO HER OTHER PARENT, AND SO ON.

THE COURT: WE'RE TALKING ABOUT BUSINESS, WHAT POSITIONS OR JOBS SHE HAD.

MR. MUCH: IF SHE HAS, SHE SAID SHE WORKS FOR OSHMAN'S NOW AND I WANT TO GET INTO WHETHER THIS IS JUST A TEMPORARY THING, WHEN SHE STARTED, AND SO ON.

MR. APPLEWHITE: YOUR HONOR, THAT WOULD BE A COLLATERAL MATTER, ANYHOW, THIS INDICTMENT READS CERTAIN DATES, AND HE IS NOT ASKING ABOUT THOSE DATES.

THE COURT: I THINK THE LAST PART OF THE ALLEGED CONSPIRACY IS THE 22ND DAY OF OCTOBER, 1965.

MR. APPLEWHITE: YES.

THE COURT: WE HAVE UNDULY PROLONGED, GENTLEMEN. LET'S HURRY ALONG. GO AHEAD.

THE WITNESS: YOU WANT ME TO ANSWER THAT QUESTION?

THE COURT: IF YOU CARE TO, GO AHEAD.

THE WITNESS: I WORKED FOR CUMMINGS CUBBARD IN MEMORIAL, JANUARY, FEBRUARY, AND I WORKED FOR MY DADDY FROM FEBRUARY TO JUNE, AND I WORKED FOR BOND'S IN MEMORIAL CITY FOR ABOUT A MONTH, AND MY CAR BROKE, SO I HAD TO GET A JOB CLOSER IN, SO I GOT A JOB WITH OSHMAN'S IN SEPTEMBER.

Q (BY MR. MUCH) SO, YOU WERE EMPLOYED ALL OF THE YEAR, OR PERHAPS WITH SOME SLIGHT INTERVALS?

A YES, SIR.

Q IN 1966, AND WERE NOT ATTENDING SCHOOL?

A YES, I WAS ATTENDING SCHOOL IN JANUARY, PART OF JANUARY, '66, I WAS ATTENDING NIGHT SCHOOL IN '66.

Q IN THE SUMMER ONLY?

A NO, IN THE SPRING, FROM MARCH UNTIL JUNE.

Q NOW, WITH REFERENCE TO THE TRANSACTION THAT YOU SAY YOU HAD WITH HUEY MEAUX ON, CORRECTION, ON SEPTEMBER THE

17TH, 1965, IN THE MUSIC BUILDING AT PASADENA, TEXAS, OR ANY OF THE SEXUAL INTIMACIES YOU HAD WITH TOMMY BERGEN AT ANY TIME, OR WITH REFERENCE TO ANY SEXUAL INTIMACY YOU HAD WITH HUEY MEAUX, IF YOU DID, IN NASHVILLE, OR WITH REFERENCE TO ANYTHING THAT TOMMY BERGEN DID IN CONNECTION WITH THAT TRIP, OR THAT CHARLIE BOOTH DID IN CONNECTION WITH THAT TRIP AT EITHER END, HAVE YOU EVER FILED ANY COMPLAINTS AGAINST ANY OF THOSE PEOPLE ANYWHERE, EITHER IN TEXAS OR TENNESSEE OR IN THE FEDERAL JURISDICTIONS, HAVE YOU EVER GONE AND FILED SOME COMPLAINT ABOUT THEM OTHER THAN MAKING THESE STATEMENTS?

A NO, SIR.

Q YOU SAID THAT YOU TOLD YOUR FATHER ABOUT THIS TRANSACTION, AND WHAT HAPPENED IN YOUR PAST ABOUT TWO MONTHS AGO, IS THAT CORRECT?

A APPROXIMATELY.

Q WHEN DID YOU TELL YOUR MOTHER, THE ONE YOU LIVE WITH NOW?

A SHE KNEW ABOUT IT ABOUT TWO MONTHS AGO. DADDY TOLD HER.

Q YOUR FATHER TOLD HER?

A YES, SIR.

Q BUT, YOU HAD NEVER COMPLAINED TO HER UP TO THAT TIME?

A NO, SHE WOULD HAVE HAD A NERVOUS BREAKDOWN.

Q YOU HAVE SAID THE POLICE SAID IF YOU WOULD SCRATCH THEIR BACK, THEY WOULD SCRATCH YOURS; WHEN YOU MADE THE STATEMENT TO THEM, WHEN YOU TALKED TO THE GOVERNMENT, EITHER ANY MEMBER OF THE F.B.I. OR ANY OF THE ATTORNEYS INVOLVED FOR THE UNITED STATES OR ANY OTHER OFFICER OF THE UNITED STATES, DID ANY OF THEM TELL YOU THAT IT WOULD GO EASIER WITH YOU IF YOU WOULD COOPERATE?

A NO, SIR.

Q THEY DIDN'T SUGGEST THAT YOU COOPERATE WITH THEM?

A NO, SIR.

Q WHAT DID THEY TELL YOU?

A THEY ASKED ME TO TELL THE TRUTH.

Q AND THAT'S ALL?

A YES, SIR.

Q AND YOU STARTED TALKING?

A I TOLD THEM THE TRUTH.

Q I UNDERSTAND YOU JUST STARTED TALKING AND THEY TOOK DOWN WHAT MR. APPLEWHITE ASKED YOU?

A YES, SIR.

Q NO PROBLEM?

A NO, SIR.

Q WERE YOU UPSET WHEN YOU WERE INTERVIEWED BY THE GOVERNMENT?

A I'M UPSET WHENEVER I TALK ABOUT THIS, SIR.

Q WERE YOU UPSET WHEN YOU WERE INTERVIEWED BY THE GOVERNMENT?

A MORE OR LESS, YES, SIR.

Q DID YOU TELL RUSS REGAN IN NASHVILLE IN 1965 THAT YOU WERE ATTENDING A COLLEGE OR UNIVERSITY?

A NO, SIR.

Q HAVE YOU EVER TOLD ANYBODY THAT DURING THE YEAR 1965?

A NO.

MR. HARTMAN: YOUR HONOR, HE HAS BEEN OVER THIS TWICE. THIS IS THE THIRD TIME.

THE COURT: I THINK SO, COUNSEL. THERE HAS TO BE A LIMIT TO SOME OF THIS.

GO AHEAD. DON'T REPEAT.

MR. MUCH: MAY IT PLEASE THE COURT, I FEEL REQUIRED TO RESPOND TO COUNSEL'S REMARK ONLY BECAUSE I HAD ASKED ABOUT RUSS REGAN'S CONVERSATION WITH HER ABOUT THE UNIVERSITY BEFORE AND THAT IS WHAT I ASKED HER.

MR. HARTMAN: HIS QUESTION WAS ANYONE AND I WOULD ASSUME THIS REGAN IS INCLUDED IN THAT.

THE COURT: GO AHEAD, GENTLEMEN.

DON'T REPEAT.

Q (BY MR. MUCH) WHEN YOU LEFT NASHVILLE, DID YOU BRING BACK WITH YOU IN YOUR LUGGAGE SOME OF STEVE TYRELL'S CLOTHES OR SOME GARMENTS OF HIS?

A YES, SIR, BUT, IF YOU WILL RECALL, SIR, I DIDN'T PACK MY BAGGAGE.

MR. MUCH: I PASS THE WITNESS.

MR. APPLEWHITE: MAY WE HAVE THIS MARKED AS GOVERNMENT'S EXHIBIT NOS. 1 AND 2?

THE CLERK: GOVERNMENT'S EXHIBITS NOS. 1 AND 2.

(WHEREUPON, GOVERNMENT'S EXHIBITS NOS. 1 AND 2 WERE MARKED FOR IDENTIFICATION BY THE COURT REPORTER.)

REDIRECT EXAMINATION

BY MR. APPLEWHITE:

Q I HAND YOU WHAT HAS BEEN MARKED AS GOVERNMENT'S EXHIBIT 1 AND ASK YOU IF YOU --

MR. MUCH: OBJECT, UNLESS I HAVE AN OPPORTUNITY TO EXAMINE IT.

MR. APPLEWHITE: I HAVEN'T OFFERED IT YET AND BEFORE I OFFER IT, I'LL GIVE

YOU THE OPPORTUNITY TO LOOK AT IT.

MR. MUCH: VERY WELL.

Q (BY MR. APPLEWHITE) HAVE YOU EVER SEEN THIS DOCUMENT?

A YES, SIR.

Q IS THIS THE SAME DOCUMENT THAT MR. MUCH READ FROM A MOMENT AGO?

A YES.

Q AND IS THAT A STATEMENT OF AN INTERVIEW YOU HAD WITH ME AND MR. TINBINSEL IN MY OFFICE?

A YES, SIR.

Q I'LL ASK YOU IF YOU CAN IDENTIFY GOVERNMENT'S EXHIBIT NO. 2.

A THAT'S A STATEMENT MR. HATTINGER WROTE OUT FIRST.

Q AT THE POLICE STATION?

A YES, SIR.

Q ALL RIGHT. AND IS THAT THE SAME STATEMENT THAT MR. MUCH READ PARTS FROM YESTERDAY?

A YES, SIR.

MR. APPLEWHITE: AT THIS TIME WE WOULD LIKE TO OFFER THESE TWO DOCUMENTS IN EVIDENCE. MR. MUCH READ FROM PARTS OF THESE DOCUMENTS AND WE OFFER THEM UNDER THE THEORY THAT WHEN COUNSEL OFFERS PORTIONS OF ONE STATEMENT, THE OTHER SIDE MAY OFFER THE REMAINDER

INTO EVIDENCE AND WE OFFER THEM AT THIS TIME.

MR. MUCH: COUNSEL, I ASK YOU IF IT IS NOT A FACT THAT THE DOCUMENT I WAS READING FROM IS THE ONE I'M HOLDING IN MY HAND, WHICH YOU HAVE REPRESENTED TO ME AS AN EXACT DUPLICATE OF THE ONE MARKED 2?

MR. APPLEWHITE: I BELIEVE YOU HAD THIS ONE YESTERDAY.

MR. MUCH: I MERELY WANT TO IDENTIFY THEM SO WE DON'T HAVE TO PUT TOO MANY DOCUMENTS IN.

DID YOU NOT TELL ME THAT THE HAND-WRITTEN DOCUMENT YOU HOLD IN YOUR HAND IS THE SAME AS THE ONE I WAS READING FROM YESTERDAY?

MR. APPLEWHITE: MR. HATTINGER TOLD YOU THAT THIS MORNING.

MR. MUCH: I DON'T STIPULATE AS TO THE TRUTH AND VERACITY OF IT.

I DO REALIZE THAT THEY ARE STATEMENTS MADE BY THE WITNESS.

THE COURT: ALL RIGHT.

MR. MUCH: MAY I SEE THEM SO I CAN GET

MY MARKS ON THEM?

THE COURT: NO OBJECTION?

CAN'T YOU FURNISH HIM A XEROX COPY OF BOTH OF THEM?

MR. APPLEWHITE: YES, I CAN AT THE RECESS.

THE COURT: WE'LL RECESS NOW.

MR. APPLEWHITE: ALL RIGHT, AND I'LL MAKE COPIES.

THE COURT: SHORT RECESS.

(RECESS)

THE COURT: PLEASE BE SEATED, EVERYONE. PROCEED, GENTLEMEN.

Q (BY MR. APPLEWHITE) YOU ARE THE SAME LYNDA PUCKETT THAT WAS TESTIFYING IN THIS CASE SHORTLY BEFORE WE TOOK A RECESS?

A YES, SIR.

Q LYNDA, I HAVE SHOWN YOU TWO STATEMENTS AND THEY HAVE NOW BEEN ADMITTED INTO EVIDENCE AS STATE'S EXHIBITS NOS. 1 AND 2 AND I WILL ASK YOU AT THE TIME THAT YOU MADE THE STATEMENT TO MR. HATTINGER, THE GENTLEMAN SEATED BEHIND ME HERE WITH THE F.B.I. --

A YES, SIR.

Q -- DID HE AT ANY TIME THREATEN YOU WITH ANY KIND OF PROSECUTION?

A NO, SIR.

Q OR COERCE YOU IN ANY WAY TO MAKE THAT STATEMENT?

A NO, SIR.

Q AND, WITH REGARD TO THE OTHER STATEMENT THAT YOU MADE TO ME AND THE INTERVIEW THAT YOU HAD WITH ME?

A YES, SIR.

Q DID I IN ANY WAY THREATEN YOU OR --

A NO, SIR.

Q -- OR OFFER YOU ANY INDUCEMENT TO TESTIFY IN ANY WAY?

A NO, SIR.

Q WHAT DID I JUST ASK YOU TO DO WHEN YOU GAVE ME THAT STATEMENT?

A JUST ASKED ME TO TELL THE TRUTH.

Q AND DID YOU DO THAT?

A YES, SIR.

Q AND DID YOU TELL YOUR FATHER THE TRUTH?

A YES, SIR.

Q AND IS HE IN THE COURTROOM?

A YES, SIR.

Q HAS HE BEEN HERE BOTH DAYS?

A YES.

Q AND ONE OF THESE STATEMENTS IN THE INTERVIEW YOU HAD WITH ME, THIS IS GOVERNMENT'S EXHIBIT NO. 1, MR. MUCH

READ TO YOU ONE SENTENCE AND I'LL READ IT TO YOU AGAIN, WHERE IT SAYS: "I MET TOMMY BERGEN SOME TIME DURING THE SPRING OF '65 OR EARLY SUMMER."

NOW, YOU WENT THROUGH THIS STATEMENT -- DID YOU MAKE A CORRECTION?

A YES, SIR.

Q AND WOULD YOU READ TO THE JURY WHAT PART OF IT YOU CORRECTED?

A I BELIEVE IT IS IN THE NEXT SENTENCE. THE NEXT SENTENCE READS: "I MET TOMMY THROUGH BARRIE BROCKSTEIN, WHO WAS A FRIEND OF MINE AT THAT TIME," SO I CORRECTED THE PRECEDING SENTENCE BY PUTTING, "ON AUGUST 25TH."

Q DID YOU MAKE THAT OUT IN THE MARGIN THERE?

A YES, SIR.

Q THAT YOU MET TOMMY AUGUST 25TH?

A YES, SIR.

Q THANK YOU.

AND WAS THIS ON THERE WHEN MR. MUCH READ YOU THIS STATEMENT, READ THIS NOTATION IN THE CORNER?

A YES, SIR.

Q HE DID NOT READ THAT TO YOU, DID HE?

A NO, HE DID NOT.

Q AND WHEN DID YOU MAKE THIS CORRECTION ON THERE?

A YESTERDAY MORNING.

Q ALL RIGHT. NOW, IN A STATEMENT YOU GAVE MR. HATTINGER, THERE IS SOME MENTION ABOUT YOU BEING PRESENTLY ENROLLED IN LAMAR CONSOLIDATED HIGH SCHOOL, IS THAT RIGHT?

A YES, SIR.

Q ALL RIGHT. THE STATEMENT, I BELIEVE, WAS GIVEN ON AUGUST THE 1ST OF '66, IS THAT RIGHT?

A YES, SIR.

Q AND IS SCHOOL IN SESSION ON THAT PARTICULAR DAY?

A NO, SIR.

Q AND WOULD YOU TELL THE JURY WHAT YOU MEANT WHEN YOU TOLD HIM THAT OR GAVE HIM THAT STATEMENT?

A WELL, I TOLD HIM --

MR. MUCH: YOUR HONOR, THE STATEMENT SPEAKS FOR ITSELF.

MR. APPLEWHITE: SHE CAN EXPLAIN HER ANSWER.

MR. MUCH: I'LL OBJECT TO ANY EXPLANATION THAT GOES BEYOND THE WORDING --

THE COURT: YOU CAN ASK WHETHER SHE WAS ENROLLED OR NOT, THAT'S THE QUESTION.

Q (BY MR. APPLEWHITE) WERE YOU ENROLLED?

A NO, SIR.

Q DID YOU INTEND TO BE ENROLLED IN THE FALL OF THAT YEAR?

A YES, SIR.

MR. MUCH: OBJECT AND ASK THAT THE ANSWER BE STRICKEN AS TO THE INTENT AND MOTIVE OF THE WITNESS.

THE COURT: GO AHEAD, GENTLEMEN.

Q (BY MR. APPLEWHITE) DOES YOUR FATHER LIVE CLOSE TO LAMAR CONSOLIDATED HIGH SCHOOL?

A YES, SIR.

Q AND WERE YOU GOING TO LIVE WITH YOUR FATHER THAT FALL?

A YES, SIR.

Q LYNDA, WHEN WE TALKED ABOUT THE DATE OF THE TRIP TO NASHVILLE, THE TRIP THAT YOU HAD TOLD THE JURY ABOUT --

A YES, SIR.

Q -- I ASKED YOU IF IT WAS ON OR ABOUT A CERTAIN DATE.

A YES, SIR.

Q AND DO YOU REMEMBER EXACTLY THE DAY YOU LEFT ON THE TRIP OR MADE, ON OR ABOUT A CERTAIN DATE?

A IT WAS ON A MONDAY, WHICH WAS OCTOBER THE 18TH. I BELIEVE BEFORE WE SAID THE 17TH, MIGHT HAVE BEEN OFF A DAY OR TWO.

Q BUT, WAS IT ON OR ABOUT OCTOBER THE 18TH OF 1965 THAT YOU MADE THIS TRIP TO NASHVILLE?

A YES, SIR.

Q NOW, YOU STATED THAT YOU HAD SEXUAL INTERCOURSE WITH A MAN BY THE NAME OF REGAN AND BILL DRAKE AND ONE OR

TWO OTHER PEOPLE THAT YOU DO NOT REMEMBER THEIR NAMES, IS THAT CORRECT?

A YES, SIR.

Q HOW ARE YOU ABLE TO REMEMBER THE NAMES OF REGAN AND BILL DRAKE AT THIS TIME TO TELL THIS JURY?

A WELL, IN NASHVILLE, I GOT HOLD OF STEVE TYRELL'S ADDRESS BOOK AND THOSE NAMES WERE IN IT, SO I JUST COPIED THEM DOWN AND I ALSO SAW THEM AGAIN WHEN I WENT TO CALIFORNIA, SO THAT KIND OF IMPRESSED THEIR NAMES ON MY MIND, WHERE THE OTHERS, I DIDN'T REMEMBER.

Q DID YOU SEE BOTH REGAN AND DRAKE WHEN YOU WENT TO CALIFORNIA?

A YES, SIR.

MR. MUCH: I WILL OBJECT TO ANY FURTHER QUESTIONS ALONG THIS LINE AS BEING AFTER THE INCIDENTS IN QUESTION.

THE COURT: ALL RIGHT.

Q (BY MR. APPLEWHITE) NOW, MR. MUCH ASKED YOU IF BARRIE BROCKSTEIN MENTIONED THIS TRIP TO NASHVILLE TO YOU.

DID SHE EVER MENTION THAT TRIP OR DID YOU TALK TO HER ABOUT IT?

A NO, SIR.

Q DO YOU KNOW IF BARRIE KNEW OF THE TRIP?

A I KNEW AFTERWARD THAT SHE KNEW OF IT.

Q NOW, MR. MUCH ALSO ASKED YOU ABOUT A CERTAIN PERIOD OF TIME HERE WHEN YOU WERE LIVING WITH YOUR FATHER AND THERE WAS A BOY BY THE NAME OF TERRY LUNSFORD IN THE SAME HOUSE WITH YOU AND YOUR FATHER AND YOUR STEP-MOTHER, IS THAT RIGHT?

A YES, SIR.

MR. MUCH: EXCUSE ME. I DIDN'T ASK HER ANYTHING ABOUT LIVING WITH THE STEP-MOTHER BECAUSE I ASKED ABOUT A WOMAN WHO WAS NOT MARRIED TO HER FATHER, AND I OBJECT TO THE FORM OF THE QUESTION.

MR. APPLEWHITE: I BELIEVE SHE IS NOW MARRIED TO THE FATHER AND THAT IS THE WAY I ASKED IT, IN THAT WAY.

THE COURT: SHE IS THE STEPMOTHER NOW; WASN'T THEN.

MR. MUCH: SPEAKING OF LAST SUMMER AND THAT'S WHY I OBJECTED TO THE FORM OF THE QUESTION, AND STILL DO.

THE COURT: GO AHEAD, GENTLEMEN.

Q (BY MR. APPLEWHITE) WHAT WAS TERRY'S LAST NAME, THE BOY LIVING THERE?

A LUNSFORD.

Q LUNSFORD, AND WHY WAS HE LIVING THERE AT THAT TIME IN YOUR HOUSE?

MR. MUCH: I OBJECT TO THAT. THAT CALLS FOR A CONCLUSION AND OPINION OF THE WITNESS.

MR. APPLEWHITE: YOUR HONOR, HE WENT INTO THAT. I THINK SHE SHOULD BE ABLE TO EXPLAIN IT.

THE COURT: OVERRULED.

GO AHEAD.

Q (BY MR. APPLEWHITE) DO YOU KNOW WHY JERRY WAS LIVING THERE?

A YES, BECAUSE HE WAS GOING TO SCHOOL AND DIDN'T HAVE ENOUGH MONEY TO, AND BOTH DADDY AND MRS. HUDSON AND I FELT HE SHOULDN'T BE OUT RUNNING THE STREETS AND WE OFFERED SOME HELP TO HIM.

Q HOW OLD WAS TERRY?

A HE WAS NINETEEN AT THE TIME. HE WAS TWENTY THEN.

Q DOES HE HAVE A FAMILY HERE?

A HE HAS A MOTHER BUT SHE'S AN ALCOHOLIC.

MR. APPLEWHITE: THAT'S ALL WE HAVE, YOUR HONOR.

RECROSS EXAMINATION

BY MR. MUCH:

Q THIS PLACE WHERE YOU LIVED WITH TERRY AND YOUR FATHER AND THE LADY HE LATER MARRIED, WHICH TOOK PLACE THIS

LAST SUMMER, IF I UNDERSTAND YOU CORRECTLY, '66, HOW BIG IS THIS PLACE?

A IT TAKE UP A SPACE BETWEEN WESTGATE ABOUT -- A QUARTER OF THE WAY DOWN THE BLOCK ON WESTGATE AND IT TAKES UP TWO ADDRESSES, TWO SEPARATE ADDRESSES ON WESTHEIMER. IT HAS TWO SEPARATE LIVING QUARTERS IN IT.

Q ALL RIGHT. TWO SEPARATE KITCHENS, YOU'RE SAYING?

A YES, WELL, IT HAS A LOT OF KITCHENS IN IT.

Q LOTS OF KITCHENS, THAT'S BECAUSE THEY MAKE KITCHENS IN IT?

A YES, SIR.

Q AND IN ADDITION TO THAT, THOUGH, HOW MANY BEDROOMS DID IT HAVE FOR THESE PEOPLE?

A IT HAS ONE, TWO, THREE, FOUR BEDROOMS.

Q ALL RIGHT. NOW, YOUR MOTHER, CORRECTION, YOUR MOTHER WAS NOT HERE YESTERDAY, WAS SHE?

A YES, SHE WAS.

Q BUT YOU WENT WITH YOUR STEPMOTHER AND YOUR FATHER FROM THE COURTOOM YESTERDAY AFTERNOON AT THE RECESS, DID YOU NOT?

A YES, SIR.

Q AND YOU WENT INTO THE WITNESS ROOM?

A YES, SIR.

Q AND YOU WENT UP AND SAT DOWN WITH TOMMY BERGEN, DIDN'T YOU? AND THEY DID?

A HE MIGHT HAVE BEEN SITTING NEXT TO ME. I DID NOT SPEAK WITH HIM.

Q AND YOU GOT HIM A COCA-COLA, OR THEY DID, DIDN'T YOU?

A YES, SIR.

Q AND YOU SAT AND CHATTED AND SMILED TOGETHER, DIDN'T YOU?

A NO, I WAS TALKING TO DADDY.

Q AND YOUR FATHER SAID TO TOMMY BERGEN IN YOUR PRESENCE, DID HE NOT: "WE HAVE FORGIVEN YOU"?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THAT. IT WASN'T IN THE DEFENDANT'S PRESENCE AND IT WOULD BE HEARSAY.

THE COURT: WELL, I DON'T BELIEVE IT IS ANYTHING BROUGHT OUT ON REDIRECT.

MR. APPLEWHITE: NO, SIR, AND ON THAT GROUND, ALSO, WE OBJECT.

THE COURT: YES, AND I SUSTAIN THE OBJECTION.

Q (BY MR. MUCH) WHEN YOU MADE YOUR STATEMENT IN MR. APPLEWHITE'S OFFICE AND WHEN YOU WENT OVER YOUR TESTIMONY WITH THE AGENT FOR THE F.B.I. AND MR. APPLEWHITE, YOU KNEW THAT TOMMY BERGEN WAS UNDER INDICTMENT FOR TRANSPORTING, DID YOU NOT, FROM TEXAS TO TENNESSEE?

A NO, I WAS UNDER THE IMPRESSION THAT CHARLIE BOOTH HAD THAT INDICTMENT ON HIM AND THE OTHERS WERE FOR USING ME

FOR IMMORAL PURPOSES.

Q ALL RIGHT. DID YOU UNDERSTAND THAT TOMMY BERGEN WAS UNDER INDICTMENT FOR TRANSPORTING YOU FROM TEXAS TO TENNESSEE FOR IMMORAL PURPOSES?

A HIS NAME WAS ON MY SUBPOENA. I KNEW HE WAS INVOLVED IN THE CASE.

Q AND YOU WANTED TO, IF YOU COULD, SAVE OR PROTECT TOMMY BERGEN, DIDN'T YOU?

A NO, SIR.

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS. THIS WAS NOT GONE INTO ON REDIRECT AND I OBJECT ON THAT GROUND.

THE COURT: THAT'S RIGHT. CONFINE YOURSELF TO REDIRECT.

MR. MUCH: I DIDN'T HEAR YOU.

THE COURT: CONFINE YOURSELF TO REDIRECT EXAMINATION, WHICH WOULD BE WHAT THEY DISCUSSED ON THAT.

MR. MUCH: PASS THE WITNESS.

MR. APPLEWHITE: YOUR HONOR, MAY THIS YOUNG LADY BE EXCUSED TO GO BACK TO WORK IF SHE REMAINS ON CALL?

THE COURT: BETTER KEEP HER.

MR. APPLEWHITE: WELL, HER FATHER HAS REQUESTED ME, IF I COULD, SHE'S ABOUT TO

LOSE HER JOB AND SHE NEEDS TO GO BACK TO WORK.

THE COURT: GENTLEMEN, WE'RE TRYING THE CASE VERY SLOWLY AND I'M NOT GOING TO ADD ANYTHING TO THE SLOWNESS BY HAVING AN IMPORTANT WITNESS OUT-OF-POCKET, UNLESS BOTH SIDES AGREE.

MR. APPLEWHITE: COULD YOU AGREE, MR. MUCH, IF SHE COULD BE -- ALL WE HAVE TO DO IS GIVE HER FATHER FORTY-FIVE MINUTES' NOTICE.

MR. MUCH: AS THE COURT HAS SAID, IN THE INTEREST OF BREVITY, I THINK IT WOULD BE WISER TO HAVE HER ON HAND. I CAN'T ANTICIPATE WHAT YOU'RE GOING TO PUT ON AND CAN'T ANTICIPATE WHAT NEED I MIGHT HAVE FOR HER.

THE COURT: BETTER LET HER STAY. CALL YOUR NEXT WITNESS.

MR. APPLEWHITE: THE LADY FROM FOLEY'S OUTSIDE?

MRS. BRIAN MCKEE.

MRS. BRIAN MCKEE,

CALLED AS A WITNESS ON BEHALF OF THE PLAINTIFF, HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS IN ANSWER TO QUESTIONS PROPOUNDED TO HER BY COUNSEL:

DIRECT EXAMINATION

BY MR. APPLEWHITE:

Q WOULD YOU STATE YOUR NAME, PLEASE, MA'AM.

A MRS. BRIAN MCKEE, SHIRLEY MCKEE?

Q IS IT SHIRLEY MCKEE?

A YES, SIR.

Q AND HOW ARE YOU EMPLOYED?

A I'M A REGISTERED PHARMACIST AT FOLEY'S DOWNTOWN.

Q ALL RIGHT. AS A RESULT OF YOUR EMPLOYMENT, DO YOU HAVE THE CARE, CUSTODY AND CONTROL OF THE RECORDS CONCERNING THE PHARMACY DEPARTMENT?

A YES, I DO.

Q ARE THOSE RECORDS THAT THE PHARMACY KEEPS, ARE THEY REQUIRED TO BE MADE BY THE COMPANY?

A THEY ARE REQUIRED BY LAW.

Q BY LAW; ARE THE RECORDS THAT ARE MADE SUCH RECORDS MADE SHORTLY AFTER OR SIMULTANEOUSLY WITH THE TRANSACTIONS WHICH THEY REPRESENT?

MR. MUCH: MAY IT PLEASE THE COURT, IF

I CAN SAVE COUNSEL'S TIME, I'LL STIPULATE SHE HAS THE RECORDS OF HER DEPARTMENT AND THEY ARE THE RECORDS THAT SHE MADE.

THE COURT: WONDERFUL.

MR. APPLEWHITE: THANK YOU, MR. MUCH.

Q (BY MR. APPLEWHITE) DO YOU HAVE CERTAIN RECORDS WITH YOU AT THE TIME, MA'AM?

A YES, I DO.

Q DO THESE RECORDS REFLECT THAT ON SEPTEMBER THE 4TH A PRESCRIPTION WAS FILLED BY THE PHARMACY DEPARTMENT TO A CERTAIN INDIVIDUAL?

A YES, THEY DO.

Q AND WOULD YOU RELATE TO THE JURY WHAT THE RECORDS REFLECT?

MR. MUCH: I'M GOING TO OBJECT, YOUR HONOR, BECAUSE THEY CLEARLY WOULD BE THE BEST EVIDENCE OF WHAT THEY SHOW OR REFLECT.

THE COURT: DO YOU WANT THE ORIGINAL RECORDS RATHER THAN HER READING FROM THEM?

MR. APPLEWHITE: I THOUGHT MR. MUCH WANTED TO SAVE TIME.

MR. MUCH: I HAVEN'T SEEN THEM. I

MERELY SAID SHE BOUGHT HER RECORDS.

MR. APPLEWHITE: THANK YOU.

THE CLERK: GOVERNMENT'S EXHIBITS 3-A AND 3-B.

MR. MUCH: I MAKE NO OBJECTION TO THE INTRODUCTION OF EITHER GOVERNMENT'S EXHIBIT 3-A OR -B OR TO THE SUBSTITUTION OF COPIES THEREOF SO THAT SHE MAY HAVE HER ORIGINAL RECORDS BACK.

MR. APPLEWHITE: WE WOULD OFFER THESE AT THIS TIME, YOUR HONOR.

Q (BY MR. APPLEWHITE) MRS. MCKEE, WOULD IT BE ALL RIGHT AT THE RECESS TO MAKE COPIES OF THESE AND MAIL THEM TO YOU?

A YES, SIR.

Q OR DO YOU NEED THESE ORIGINALS BACK?

A WELL, I DO NEED THE ORIGINALS FOR MY FILES. I HAVE COPIES IF YOU WOULD LIKE TO HAVE THEM.

THE CLERK: HAND THOSE TO ME AND I'LL HAVE THEM FOR YOU IN THREE MINUTES.

MR. APPLEWHITE: YOU HAVE COPIES THAT YOU CAN TESTIFY FROM NOW?

IS THAT ALL RIGHT? SHE CAN TESTIFY FROM THESE?

THE WITNESS: THEY ARE XEROX COPIES.

MR. MUCH: THAT'S FINE.

Q (BY MR. APPLEWHITE) WOULD YOU TELL US WHAT THOSE COPIES ARE?

A THIS FIRST ONE IS A COPY OF A PRESCRIPTION WRITTEN BY DR. TED SCHAFER FOR A MRS. BERGEN FOR ENOVIDE E, A HUNDRED TABLETS.

Q A HUNDRED TABLETS OF ENOVIDE E?

A YES, SIR.

Q DO YOU KNOW OF YOUR OWN KNOWLEDGE WHAT ENOVIDE E TABLETS ARE?

A THEY ARE BIRTH CONTROL PILLS.

Q DOES IT REFLECT THE DATE THAT THESE PILLS WERE RECEIVED?

A THE ORIGINAL PRESCRIPTION IS STAMPED WITH THE DATE THAT WAS STAMPED AT THE TIME OF FILING AND THIS OTHER RECORD IS A DAILY LOG THAT WE STAMP AT THE SAME TIME WE STAMP THE PRESCRIPTION AND IT INDICATES ON THE DAILY LOG WHO IT'S FOR AND WHO THE DOCTOR IS, THE DATE, THE NUMBER WE HAVE ASSIGNED TO THE PRESCRIPTION, THE PHARMACIST'S INITIALS AND THE TYPE OF MEDICATION.

Q ALL RIGHT. GIVE US ALL THAT INFORMATION.

A ON THE DAILY LOG IT SAYS: "MRS. BERGEN, DR. T. SCHAFER, 9-4 -- "

Q WOULD THAT BE SEPTEMBER THE 4TH?

A YES, SIR.

24311 IS THE PRESCRIPTION NUMBER. THE INITIALS ARE S.M., WHICH ARE MINE, THAT I USE AT THE PHARMACY.

Q DOES THAT INDICATE WHAT YEAR?

A ON THE ORIGINAL PRESCRIPTION THE YEAR IS 1965. WE DON'T INDICATE IT ON THE DAILY LOG.

Q ALL RIGHT.

A THEN, IT INDICATES THE ENOVIDE E.

MR. APPLEWHITE: THANK YOU, MA'AM. THAT'S ALL WE HAVE.

PASS THE WITNESS.

CROSS EXAMINATION

BY MR. MUCH:

Q DO YOU KNOW WHETHER OR NOT THE PRESCRIPTION WAS REFILLED OR DOES THAT RECORD REFLECT WHETHER OR NOT IT

W WAS REFILLED?

I DON'T, I DO KNOW THAT ON THE BACK OF THE ORIGINAL PRESCRIPTION THERE IS A NOTE THAT A COPY OF THE PRESCRIPTION WAS GIVEN TO WALGREEN'S AND I BELIEVE -THE DATE WAS IN DECEMBER OF 1965.

Q DOES THAT SHOW ON THE PHOTOCOPY THAT YOU HAVE SUBSTITUTED?

A NO, SIR.

MR. MUCH: WELL, YOUR HONOR, I ASK TO

HAVE THE EXHIBIT COMPLETED BY COUNSEL AT HIS CONVENIENCE SINCE I UNDERSTOOD YOU WERE MAKING A COMPLETE PHOTOCOPY.

THE CLERK: IT WILL BE THERE IN TWO MINUTES.

MR. APPLEWHITE: YOU HAVE A COPY OF THE BACK SIDE?

THE CLERK: BACK SIDE COPIED, ALSO.

MR. APPLEWHITE: ALL RIGHT.

THE COURT: GO AHEAD, GENTLEMEN.

MR. MUCH: NO FURTHER QUESTIONS, YOUR HONOR.

THE COURT: STAND ASIDE, MRS. MCKEE. YOU CAN WAIT FOR YOUR COPIES.

THE WITNESS: THANK YOU.

THE COURT: MAYBE HE CAN DELIVER IT TO YOU.

MR. APPLEWHITE: SUBJECT TO THAT, COULD THIS LADY BE EXCUSED?

THE COURT: BETTER WAIT FOR THE COPIES.

MR. APPLEWHITE: I MEAN AFTER.

THE COURT: IS THAT ALL RIGHT WITH YOU?

MR. MUCH: SIR?

THE COURT: -- TO EXCUSE HER?

MR. MUCH: IT IS, SIR, AS LONG AS WE

GET A COMPLETE COPY OF THE EXHIBITS.

THE COURT: DON'T LEAVE UNTIL AFTER THE BAILIFF COMES OUT AND SAYS YOU ARE IN THE CLEAR.

THE WITNESS: THANK YOU.

THE COURT: WHICH WILL BE AFTER MR. MUCH LOOKS OVER THE COPY.

CALL YOUR NEXT WITNESS.

MR. APPLEWHITE: I HAVE ALREADY TOLD MR. COSTA, YOUR HONOR.

K. D. HURLEY,

CALLED AS A WITNESS ON BEHALF OF THE PLAINTIFF, HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS IN ANSWER TO QUESTIONS PROPOUNDED TO HIM BY COUNSEL:

DIRECT EXAMINATION

BY MR. APPLEWHITE:

Q WOULD YOU STATE YOUR NAME, PLEASE, SIR.

A K. D. HURLEY.

Q HOW ARE YOU EMPLOYED?

A I'M THE MANAGER AT THE CAPITOL PARK INN IN NASHVILLE, TENNESSE.

Q HOW LONG HAVE YOU BEEN SO EMPLOYED?

A APPROXIMATELY FIVE AND A HALF YEARS.

Q AS A RESULT OF YOUR EMPLOYMENT, DO YOU HAVE THE CARE, CUSTODY AND CONTROL OF THE RECORDS FOR THE INN THERE?

A YES, SIR.

Q DO YOU HAVE CERTAIN RECORDS WITH YOU AT THIS TIME?

A YES, SIR.

Q DO YOU HAVE RECORDS SHOWING THAT CERTAIN INDIVIDUALS WERE REGISTERED TO OR INTO THE INN IN OCTOBER OF 1965?

MR. MUCH: I'M GOING TO OBJECT TO THAT ON THE GROUNDS THAT THE RECORDS THEMSELVES WOULD BE THE BEST EVIDENCE OF

WHAT THEY SHOW, BUT IN ORDER TO SAVE TIME, I WILL CONCEDE THAT WHATEVER RECORDS THIS GENTLEMAN HAS BROUGHT ARE THE RECORDS KEPT BY THAT MOTEL AND WHATEVER THEY SHOW REFLECT THE WAY THEY KEPT THE RECORDS.

MR. APPLEWHITE: MAY I HAVE THE RECORDS, MR. HURLEY?

THE CLERK: GOVERNMENT'S EXHIBIT NO. 4, WITH ATTACHMENTS.

MR. APPLEWHITE: THANK YOU, SIR.

WE OFFER GOVERNMENT'S EXHIBIT 4, YOUR HONOR, AT THIS TIME.

THE COURT: ANY OBJECTION, MR. MUCH?

MR. MUCH: I ASK ONLY THAT YOU IDENTIFY HOW MANY PAGES IN THE ATTACHMENT SINCE THERE ARE A GREAT NUMBER.

MR. APPLEWHITE: HOW MANY PAGES -- TWENTY-TWO PAGES, YOU WANT TO COUNT THESE, MR. COSTA?

MR. MUCH: THAT'S SATISFACTORY.

THE COURT: ALL RIGHT. TELL THE YOUNG LADY SHE MAY GO.

Q (BY MR. APPLEWHITE) I WILL HAND YOU WHAT HAS BEEN INTRODUCED INTO EVIDENCE AS GOVERNMENT'S EXHIBIT NO. 4,

MR. HURLEY, AND I ASK IF YOU CAN IDENTIFY THOSE RECORDS.

A THESE ARE THE ACCOUNTS OF THE INDIVIDUALS OCCUPYING ROOMS AT THE CAPITOL PARK INN.

Q ALL RIGHT. DO THEY REFLECT THE NAME OF AN INDIVIDUAL THAT STAYED AT THE MOTEL ON A CERTAIN DATE?

A YES, SIR.

Q ALL RIGHT. DO THE RECORDS REFLECT WHETHER OR NOT AN INDIVIDUAL BY THE NAME OF RUSS REGAN WAS REGISTERED AT THE CAPITOL PARK INN ON OR ABOUT OCTOBER THE 18TH, 1965?

A YES, SIR.

Q DOES IT SHOW WHO PAID FOR THAT ROOM?

A IT WAS CHARGED TO WARNER BROTHERS RECORDS, BURBANK, CALIFORNIA, AND THEY LATER PAID IT.

Q ALL RIGHT. DO THE RECORDS REFLECT WHETHER OR NOT A PERSON BY THE NAME OF BILL DRAKE WAS REGISTERED ON THE SAID DATE?

MR. MUCH: EXCUSE ME, YOUR HONOR. AS I UNDERSTAND IT, HE HAS NOT YET INTRODUCED THIS EVIDENCE. I HAVE ALREADY MADE THE OBJECTION THAT THE RECORDS THEMSELVES WOULD BE THE BEST EVIDENCE OF WHAT THEY SHOW.

THE CLERK: THEY HAVE ALREADY BEEN

ADMITTED. HE OFFERED THEM.

MR. MUCH: AT ANY RATE, I SUBMIT THE RECORDS ARE THE BEST EVIDENCE OF WHAT THEY REFLECT OR SHOW OR SAY RATHER THAN HIS TESTIMONY ABOUT THEM.

THE COURT: WELL, THEY ARE IN THE RECORD, AS I UNDERSTAND IT.

MR. APPLEWHITE: I'M JUST ASKING HIM TO TESTIFY FROM THESE RECORDS AND EXPLAIN THEM A LITTLE BIT FOR THE BENEFIT OF THE JURY.

THE COURT: ALL RIGHT, GO AHEAD.

THE WITNESS: YES, WE HAVE A RECORD OF BILL DRAKE BEING REGISTERED.

Q (BY MR. APPLEWHITE) AND WHAT DATE DID HE REGISTER THERE?

A OCTOBER 18TH, 1965.

Q AND DOES IT REFLECT HOW MANY DAYS HE WAS THERE?

A YES, HE LEFT ON OCTOBER 24TH.

Q THE 18TH UNTIL THE 24TH?

A YES, SIR.

Q AND DOES IT REFLECT WHO PAID HIS ACCOUNT?

A YES, CHARGED ON AMERICAN EXPRESS CARD, PETER GARRIS, SCEPTRE MUSIC.

Q ALL RIGHT. PETER GARRIS' SCEPTRE MUSIC; DOES IT SHOW

WHETHER OR NOT A PERSON BY THE NAME OF STEVE TYRELL WAS REGISTERED THERE ON THAT SAID DATE?

A YES, SIR.

Q WHAT DATE DID HE REGISTER?

A OCTOBER 18TH.

Q DOES IT SHOW WHEN HE CHECKED OUT?

A OCTOBER 24TH.

Q OCTOBER 24TH?

A YES, SIR.

Q ALL RIGHT. DOES IT SHOW WHO PAID HIS ACCOUNT?

A THAT WAS ALSO AMERICAN EXPRESS CARD, PETER GARRIS' SCEPTRE MUSIC.

Q ALL RIGHT, SIR. DO THE RECORDS REFLECT WHETHER OR NOT A PERSON BY THE NAME OF CHARLIE BOOTH REGISTERED AT THE MOTEL DURING THIS PERIOD?

A YES, SIR.

Q DOES IT SHOW WHAT DATE?

A OCTOBER 18.

Q DOES IT SHOW WHO RESERVED THE ROOM OR REGISTERED THE ROOM UNDER THAT NAME?

A NO, I DON'T HAVE THAT.

Q DOES IT SHOW WHEN HE CHECKED OUT?

A OCTOBER 24TH.

Q DOES IT SHOW WHO PAID THAT ACCOUNT?

A THIS DOES NOT SHOW IT HERE. IT WAS IN THIS GROUP WITH

SCEPTRE MUSIC.

Q SCEPTRE MUSIC COMPANY PAID BY MR. GARRIS?

A YES, SIR.

Q ALL RIGHT, SIR. DO THE RECORDS REFLECT WHETHER OR NOT A PERSON BY THE NAME OF HUEY MEAUX WAS AT THE INN ON THAT DAY, AND WHEN HE CHECKED OUT AND WHEN HE CHECKED IN AND WHO PAID FOR HIS ROOM?

A YES, THAT WAS IN ON OCTOBER 18 AND OUT OF OCTOBER 24TH. THAT WAS ALSO CHARGED TO PETER GARRIS' SCEPTRE MUSIC.

Q AND WHAT IS THE ADDRESS THAT HE REGISTERED UNDER? WHERE DOES IT SAY HE WAS FROM?

A MR. MEAUX, PASADENA, TEXAS.

Q WHAT NUMBER?

A I DON'T HAVE THE NUMBER ON THIS ONE.

Q DO YOUR RECORDS REFLECT WHETHER OR NOT AN INDIVIDUAL BY THE NAME OF LYNDA ELLIS WAS REGISTERED AT THE HOTEL ON THAT DAY?

A YES, SIR.

Q AND WHAT DAY DID SHE CHECK IN?

A OCTOBER 18.

Q THAT'S THE DAY THE ROOM WAS REGISTERED?

A YES, SIR.

Q AND WHEN DID THAT PERSON CHECK OUT?

A OCTOBER THE 24TH.

Q DOES IT HAVE AN ADDRESS THAT SHE GAVE WHERE SHE WAS FROM, OR WHOEVER REGISTERED THE ROOM?

A THAT'S PASADENA, AND ON THIS OUR CLERK HAS WRITTEN, "TENNESSEE," WHICH, OBVIOUSLY, IS POSSIBLY A MISTAKE ON THE PART OF THE CLERK.

Q NOT PASADENA, TENNESSEE?

A YES, SIR.

Q DOES IT REFLECT WHO PAID FOR THAT ACCOUNT?

A THAT WAS CHARGED TO PETER GARRIS' SCEPTRE MUSIC, ALSO.

Q DO YOUR RECORDS REFLECT WHETHER OR NOT A PERSON BY THE NAME OF THOMAS BERGEN, OR TOMMY BERGEN WAS REGISTERED AT THE MOTEL DURING THAT DAY?

A NO, SIR, I DON'T HAVE THAT.

Q ALL RIGHT.

A I DON'T KNOW.

Q AND IF I ASK YOU ABOUT PETER GARRIS, DO YOUR RECORDS REFLECT WHETHER OR NOT A PERSON BY THE NAME OF PETER GARRIS WAS THERE AT THE TIME?

A STEVE TYRELL AND PETER GARRIS WERE IN A DOUBLE ROOM.

Q THEY WERE IN THE SAME ROOM?

A YES, SIR.

Q DOUBLE ROOM; ALL RIGHT.

DO YOU KNOW MR. MEAUX, THE DEFENDANT IN THIS CASE?

A YES, SIR.

Q HOW DO YOU KNOW HIM?

A HE HAS BEEN A FREQUENT GUEST AT OUR PLACE, CAPITOL PARK INN. HE STOPS THERE QUITE OFTEN.

Q DO YOU REMEMBER SEEING HIM ON THIS PARTICULAR DATE, OCTOBER THE 18TH, 1965, OR ON OR ABOUT THAT DATE IN NASHVILLE AT THE INN?

A YES, SIR.

Q WAS THERE A CONVENTION TAKING PLACE THERE?

A YES, THAT IS THE YEARLY COUNTRY MUSIC CONVENTION.

Q ALL RIGHT. DO YOU KNOW A PERSON BY THE NAME OF TOMMY BERGEN?

A NO, SIR.

Q OR DO YOU KNOW THIS OTHER FELLOW OVER HERE, CHARLIE BOOTH?

A NO, NOT PERSONALLY.

Q DO YOU KNOW A GIRL BY THE NAME OF LYNDA ELLIS OR LYNDA PUCKETT?

A NO, SIR.

Q DO YOU KNOW PETER GARRIS FROM SCEPTRE RECORDS?

A I SAW HIM WHEN HE WAS THERE AT OUR PLACE AT THE TIME, BUT I DON'T KNOW THAT I WOULD RECOGNIZE HIM. I DON'T KNOW HIM PERSONALLY.

Q YOU SAW HIM WHEN HE WAS THERE ON OCTOBER THE 18TH?

A YES, SIR.

Q ALL RIGHT, SIR. DO YOU REMEMBER SEEING MR. BOOTH, THIS

MAN SITTING OVER HERE?

A I BELIEVE THAT I REMEMBER MR. BOOTH BEING THERE, AND POSSIBLY OTHER TIMES, I'M NOT SURE ABOUT THAT, BUT I SAW MR. BOOTH.

Q SINCE YOU HAVE BEEN HERE, HAVE YOU SEEN A GIRL BY THE NAME OF LYNDA PUCKETT?

A SINCE I HAVE BEEN HERE, YES.

Q DO YOU RECALL SEEING HER UP THERE AT THE TIME?

A NO, I DON'T.

Q OR TOMMY BERGEN?

A NO, I MET HIM HERE, BUT I DON'T KNOW HIM AND DON'T REMEMBER SEEING HIM UP THERE.

Q DO YOU KNOW A MR. HURLEY THAT WAS WITH THE TREE RECORD COMPANY THAT POSSIBLY WAS THERE DURING THIS CONVENTION?

A I KNOW OF A YOUNG BOY BY THE NAME OF HURLEY WITH THE MUSIC COMPANY THERE.

Q AND ARE YOU RELATED TO HIM?

A NOT IN ANY WAY, NO, SIR.

MR. APPLEWHITE: THAT'S ALL THAT I HAVE AT THIS TIME.

THANK YOU.

CROSS EXAMINATION

BY MR. MUCH:

Q DO YOU HAVE ANY ROOM CHARGES OR FOOD TABS IN THE RECORDS THAT YOU HAVE OR ELSEWHERE, SIGNED BY LYNDA PUCKETT OR LYNDA ELLIS?

A NO, I DO NOT, I DO NOT.

Q CAN YOU TELL WHETHER OR NOT ANY CHARGES WERE MADE TO THE ROOM WHERE SHE STAYED FOR FOOD AND DRINK OR OTHER MATTERS?

A ONE MOMENT, SIR.

Q WOULD YOU MIND TELLING US FIRST THE NUMBER OF THE ROOM WHERE SHE STAYED, IF YOUR RECORDS SHOW THAT?

A YES, ROOM 243, AND THERE WERE RESTAURANT CHARGES, LONG DISTANCE, ONE LONG DISTANCE CALL AND SEVERAL RESTAURANT CHARGES AND SOME LOCAL TELEPHONE CALLS, AND ROOM AND TAX, AND THAT'S ALL.

Q DOES THE LONG DISTANCE CALL RECORD INDICATE WHERE IT WAS MADE?

A NOT THIS RECORD DOES NOT, NO, SIR.

Q AS A MATTER OF FACT, YOU DO HAVE OTHER RECORDS AND YOUR HOTEL DOES KEEP OTHER RECORDS WITH REFERENCE TO EACH HOTEL OCCUPANT, DOES IT NOT, SUCH AS, FOR EXAMPLE, THE RESERVATION LIST?

A WE JUST KEEP RESERVATION LISTS FROM MONTH TO MONTH IS

ALL.

Q BUT, SUCH RECORDS ARE MADE AND WERE MADE AT THE TIME IN QUESTION, WERE THEY NOT?

A YES, SIR.

Q BUT, YOU DIDN'T BRING THOSE?

A NO, I DON'T HAVE THEM.

Q AND, IN ADDITION TO THAT, THERE ARE OTHER CHARGES MADE OR OTHER RECORDS KEPT, I SHOULD SAY, FOR EXAMPLE, FOR FOOD CHARGES, IS THERE NOT, A TICKET, A LITTLE GREEN OR WHITE TICKET WITH THE ITEMS LISTED ON WHICH ARE, IN TURN, TRANSLATED BY THE TOTAL ON TO THE RECORDS YOU BROUGHT?

A YES, SIR.

Q AND YOU DIDN'T BRING ANY OF THOSE?

A YES, SIR.

Q AND, IN TURN, IF YOU HAD SUCH RECORDS, THEY NORMALLY WOULD BEAR THE SIGNATURE OF THE PARTY THAT ORDERED THE ITEM AND, IN TURN, RESCEIVED THEM AT THE ROOM, OR WHEREVER THEY WERE DELIVERED?

A YES, SIR.

Q AND YOU DIDN'T BRING ANY OF THOSE?

A NO, SIR.

Q WITH REFERENCE TO TELEPHONE CALLS MADE, WELL, FIRST, LONG DISTANCE RECORDS, YOU WOULD HAVE MADE AT THE TIME, YOUR COMPANY WOULD?

A YES, SIR.

Q -- A RECORD OF THE CALL AND WHERE IT WAS PLACED AND WHO PLACED IT?

A YES, SIR.

Q DO YOU HAVE THOSE RECORDS?

A NOT WITH ME, NO, SIR. THEY ARE ON FILE.

Q I SEE, NOW, THIS C.M.A. CONVENTION IS A BIG AFFAIR THAT TAKES PLACE EVERY YEAR IN THE FALL, IS IT NOT?

A YES, SIR.

Q AND IT'S CUSTOMARY, IS IT NOT, FOR RECORD COMPANIES SUCH AS R.C.A., WARNER BROTHERS, SCEPTRE, SCEPTRE ONE, SCEPTRE RECORDS, CAPITOL, DECCA, ET CETERA, THE WELL-KNOWN COMPANIES, TO MAKE BLOCK RESERVATIONS IN ADVANCE OF FIVE, SIX, EIGHT, TEN OR EVEN A LARGER NUMBER OF ROOMS, NOT ONLY IN YOUR MOTEL, BUT OTHERS BECAUSE OF THE NEED FOR ROOMS AT THIS CONVENTION?

A YES, THAT'S TRUE.

Q AND, AS I UNDERSTAND IT, YOU DON'T EVEN HAVE AVAILABLE THE RESERVATIONS MADE FOR THE YEAR 1965 IN OCTOBER BECAUSE THEY ARE NO LONGER KEPT, IS THAT RIGHT?

A WE DO NOT KEEP THEM.

Q YOU DO RECALL, DO YOU NOT, THAT FROM YEAR TO YEAR, SCEPTRE RECORDING HAS MADE BLOCK RESERVATIONS IN ADVANCE FOR THIS CONVENTION?

A I RECALL THAT THEY DID THAT YEAR, I'M SURE THEY DID.
Q AND THE ROOMS THAT YOU HAVE BROUGHT RECORDS ON WERE A PART OF THOSE RESERVED BY SCEPTRE RECORDS, WERE THEY NOT, AND ONLY A PARTY?
A YES, SIR.
Q AND IT'S CUSTOMARY AT THOSE CONVENTIONS THAT PRACTICALLY EVERY MOTEL AND HOTEL IN NASHVILLE IS FULL, IS IT NOT?
A YES, SIR.
Q THOUSANDS OF PEOPLE IN ATTENDANCE AT THESE CONVENTIONS?
A YES, SIR.
Q MUSICIANS, ENTERTAINERS, PEOPLE INTERESTED IN THAT FIELD, AND THERE IS A GOOD DEAL OF HUSTLE AND BUSTLE AND COMMOTION GOING ON AT ALL TIMES IN YOUR MOTEL, OR INN, I SHOULD CALL IT?
A YES, SIR.
Q AND IT'S NOT AT ALL UNCOMMON WHERE THESE ROOMS ARE BOOKED IN ADVANCE BY THE BLOCK OR BY THE GROUP FOR DIFFERENT PEOPLE TO STAY IN THEM FOR SHORT INTERVALS OR INTERVALS OF AS MUCH AS A DAY OR TWO, AND THEN, GO ON, LEAVING THE RESERVATIONS MADE AND THE BOOKINGS MADE IN THE NAME OF SCEPTRE, R.C.A., OR WHOEVER MADE THEM?
A I'M SURE THAT HAPPENS OFTEN, YES.
Q AS A MATTER OF ACCOMMODATION TO PEOPLE WHO JUST COME IN

AND OUT?

A YES.

Q IF LYNDA ELLIS' RECORD, THE ONE YOU HAVE LOOKED AT, STATES THAT SHE WAS REGISTERED IN ON OCTOBER 18TH, 1965, THAT DOES NOT NECESSARILY MEAN THAT SHE ARRIVED PHYSICALLY AT THAT TIME AND ENTERED THE ROOM, DOES IT?

A NOT NECESSARILY, NO, SIR.

Q IN ADDITION TO THE RECORDS I HAVE ASKED YOU ABOUT, IT IS THE COMMON PRACTICE OF YOUR MOTEL, IS IT NOT, TO HAVE A REGISTER CARD FILLED OUT BY THE OCCUPANT OF THE ROOM OR OCCUPANTS OF THE ROOM?

A YES, SIR.

Q DID YOU BRING THOSE?

A I DON'T HAVE THOSE CARDS, NO, SIR.

Q I SEE. SO, IF YOU DID, YOU MIGHT BE ABLE TO DETERMINE, FOR EXAMPLE, THAT ALTHOUGH A ROOM WAS REGISTERED ON OCTOBER THE 18TH, THE REGISTERY DATE OF THE PERSON USING THE ROOM MIGHT HAVE BEEN AS MUCH AS A WHOLE DAY LATER, OR, AT LEAST, PAST MIDNIGHT AND MAKE IT ON THE FOLLOWING DAY.

A WELL, THE REGISTRATION CARD WOULD BE THE SAME DATE AS THIS. THEY ARE ATTACHED TOGETHER, AND FOR THIS TO BE ACTIVE, THE CARD WOULD HAVE TO BE FILLED OUT.

Q NO MATTER WHEN THEY SIGNED IT AND ARRIVED?

A YES, SIR.

Q DID YOU ACTUALLY HAVE A ROOM REGISTERED IN THE NAME OF PETER GARRIS? I UNDERSTOOD YOU TO SAY HE OCCUPIED ONE WITH STEVE TYRELL.

A IT WAS REGISTERED TO STEVE TYRELL AND PETER GARRIS ON ONE.

Q BUT, YOU HAVE A NUMBER OF CARDS TO STEVE TYRELL, INDIVIDUALLY, WHICH DO NOT REFLECT PETER GARRIS' NAME?

A THAT'S RIGHT, HIS NAME IS NOT ON THIS EXCEPT WHERE HE SIGNED THE BILL.

Q DURING THESE CONVENTIONS, AND PARTICULARLY IN 1965, THEY HAVE A GOOD DEAL OF HOSPITALITY OR COCKTAIL ROOMS, DON'T THEY?

A YES, SIR.

Q AND YOUR INN IS BUSY AND WAS BUSY ON THESE OCCASIONS IN SERVING FOOD AND DRINK, AND, AT THAT TIME, THEY HAVE PUBLIC ROOMS AS WELL AS PRIVATE ROOMS FOR THEM, DON'T THEY?

A YES, SIR.

Q AND DID IN OCTOBER OF 1965?

A YES, SIR.

MR. MUCH: WE'LL PASS THE WITNESS.

MR. APPEWHITE: THAT'S ALL WE HAVE, YOUR HONOR, FROM THIS WITNESS.

THE COURT: STAND ASIDE.

CALL YOUR NEXT WITNESS.

MR. APPLEWHITE: AT THIS TIME, THE GOVERNMENT RESTS ITS CASE, YOUR HONOR.

MR. MUCH: MAY IT PLEASE THE COURT, WITH REFERENCE TO MR. HURLEY, I UNDERSTAND HE HAS COME A LONG WAY, AND, AS A MATTER OF COURTESY TO HIM, I WANT TO MAKE IT KNOWN TO THE COURT THAT I AM WILLING TO EXCUSE HIM.

MR. APPLEWHITE: IT'S PERFECTLY ACCEPTABLE TO US.

DO YOU NEED THE COPIES OF THESE RECORDS?

MR. HURLEY: I NEED TO HAVE THEM IF YOU COULD SEND THEM TO US, EITHER ORIGINALS OR COPIES.

MR. APPLEWHITE: I'LL TAKE CARE OF IT.

THE COURT: ALL RIGHT.

THE GOVERNMENT RESTS; WHAT SAYS THE DEFENDANT?

MR. MUCH: WELL, YOUR HONOR, I HAVE A MOTION TO PRESENT TO THE COURT, IF I MAY, IF YOU'LL EXCUSE THE JURY.

(THE JURY RETIRED.)

MR. MUCH: WILL YOU HAND THIS TO THE COURT (HANDING DOCUMENT)?

YOUR HONOR, I ASK AT THIS TIME THAT THE COURT CONSIDER AND RULE UPON THE MOTION IN LIMINE WHICH I HAVE FILED AND WHICH YOU HAVE UNDER YOUR PREVIOUS ORDER HELD IN ABEYANCE UNTIL THE MATTER CAME TO YOUR ATTENTION AGAIN, AND IT'S A MOTION IN LIMINE ON BEHALF OF EACH OF THE DEFENDANTS, INDIVIDUALLY AND JOINTLY, TO RESTRAIN THE GOVERNMENT FROM ANY ATTEMPT IN THE PRESENCE OF THE JURY TO GO INTO ANY CRIMINAL CHARGE OR COMPLAINT, INDICTMENT OR ANY OTHER MATTER THAT I RECITE IN THE MOTION WITH REFERENCE TO --

THE COURT: COUNSEL, I HAVE HAD THE MATTER BEFORE AND I HAVE HELD THAT IT WAS FIFTEEN YEARS IN THE FEDERAL COURT IN CASES WHICH HAVE GONE THROUGH THE FIFTH CIRCUIT AND BEEN AFFIRMED, SO I HAVE NO REASON TO CHANGE IT.

IF IT IS PREVIOUS TO FIFTEEN YEARS, I WILL RESTRICT IT TO MATTERS PREVIOUS TO FIFTEEN YEARS.

MR. MUCH: I UNDERSTAND IT IS GRANTED WITH THAT AMENDMENT, IF I MAY AMEND MY MOTION TO FIFTEEN YEARS.

THE COURT: IF IT HAS OCCURRED MORE THAN FIFTEEN YEARS PRIOR TO THE TRIAL OF THE CAUSE, I'LL SUSTAIN YOUR MOTION, AND IF IT IS LESS THAN FIFTEEN YEAR, I WILL OVERRULE IT.

MR. MUCH: THEN, MAY I ACQUAINT THE COURT WITH FACTS SO I WON'T HAVE TO RAISE THIS MATTER BEFORE THE JURY?

THE COURT: YES, THAT'S RIGHT.

MR. MUCH: IN 1951. WHICH IS MORE THAN FIFTEEN YEARS FROM THE PRESENT TIME, SEVENTEEN YEARS, MR. CHARLIE BOOTH, WHO WAS AT THAT TIME, I THINK, TWENTY YEARS OF AGE, PLEAD GUILTY WITHOUT A LAWYER, CHARGED JOINTLY WITH ANOTHER INDIVIDUAL, AS I UNDERSTAND IT, TO A CHARGE OF ARMED ROBBERY IN THE STATE COURT; HOWEVER, HE WAS SENTENCED AND SERVED A SENTENCE IN THE SHORTEST POSSIBLE TIME, AND IT HAS NO RELATION AT ALL TO THESE MATTERS AND I ASK THAT ANY INQUIRY INTO IT BE RESTRICTED AND

FORBIDDEN.

THE COURT: DON'T GO BEYOND FIFTEEN YEARS.

MR. APPLEWHITE: YOUR HONOR, HE GOT A TEN-YEAR SENTENCE, AND HE SERVED PART OF THAT SENTENCE, AND, AS I UNDERSTAND IT, THE FIFTEEN YEARS RELATES BACK TO THE TIME HE GOT OUT OF PRISON, DOES IT NOT?

THE COURT: NO, AT THE TIME OF CONVICTION, IT BECOMES FINAL, THAT'S FIFTEEN YEARS. I HELD THAT IN A PREVIOUS CASE AND IT HAS GONE UP AND BEEN AFFIRMED, SO I SEE NO REASON TO CHANGE IT.

I CAN GIVE THE CITATION AS SOON AS I CAN GET MY LITTLE BLACK BOOK. THE NAME STARTS WITH A "C", CRICKTOFF, OR SOME SORT OF NAME -- YOU WANT TO BE ME I'M WRONG?

THE CLERK: NO, I'M WITH YOU, JUDGE. CRICKOFF.

THE COURT: WILL YOU GO IN MY DESK AND SIT DOWN AND REACH INTO THE LEFT-HAND DRAWER FOR THE LITTLE BLACK BOOK.

THE BAILIFF IS GOING.

THE CLERK: RIGHT ON THE LEFT-HAND SIDE.

THE COURT: SIT DOWN AND I'LL GIVE YOU THE CASE.

MR. MUCH: I UNDERSTOOD YOU WERE SENDING THE BAILIFF --

THE COURT: I WAS JUST GOING TO GIVE YOU THE CASE.

MR. MUCH: I'M GRATEFUL FOR IT, AND I UNDERSTAND THE COURT'S RULING, AND I'M WILLING TO PROCEED.

THE COURT: ALL RIGHT. BRING THE JURY BACK.

MR. MUCH: AS LONG AS THE RULING APPLIES TO THIS MATTER.

THE COURT: YES. YOU ALL UNDERSTAND, NOT BEYOND FIFTEEN YEARS.

I CAN GIVE YOU THE CASE.

PROCEED, GENTLEMEN.

(THE JURY RETURNED.)

MR. MUCH: I CALL AS THE FIRST WITNESS FOR THE DEFENSE, THE DEFENDANT, CHARLES, OR CHARLIE BOOTH.

CHARLIE BOOTH,

CALLED AS A WITNESS ON BEHALF OF THE DEFENDANTS, HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS IN ANSWER TO QUESTIONS PROPOUNDED TO HIM BY COUNSEL:

DIRECT EXAMINATION

BY MR. MUCH:

Q WHAT IS YOUR NAME, PLEASE?

A CHARLES J. BOOTH.

Q YOU ARE A DEFENDANT IN THIS CASE?

A YES, SIR.

Q ARE YOU ACQUAINTED WITH THE OTHER DEFENDANTS, HUEY P. MEAUX?

A YES, SIR.

Q TOMMY BERGEN, III?

A YES, SIR.

Q AND PETER GARRIS?

A YES, SIR.

Q WHERE DO YOU LIVE, SIR?

A 1738 VIKING STREET, HOUSTON, TEXAS, IN THE OAK FOREST ADDITION.

Q IS THAT YOUR OWN HOME?

A YES, SIR.

Q DO YOU OWN IT?

A YES, SIR.

Q ARE YOU MARRIED?

A YES, SIR.

Q WHAT IS YOUR WIFE'S NAME?

A LORENE S. BOOTH.

Q IF SHE'S EMPLOYED, TELL US WHERE.

A AT HARRIS COUNTY CLERK'S OFFICE.

Q IS THAT IN THE COURTHOUSE AT HOUSTON, TEXAS?

A YES, SIR.

Q WHEN DID YOU FIRST KNOW TOMMY BERGEN?

A IT WOULD BE BACK IN NINETEEN -- OH, I WOULD SAY ABOUT THE FIRST PART OF 1965, SOMEWHERE ALONG THERE, WHEN HE WENT TO WORK FOR KNUZ RADIO STATION WITH BUDDY MCGREGOR.

Q WOULD YOU KNOW THE NATURE OF HIS WORK AT THAT TIME, WOULD YOU NOT?

A YES, HE WAS ANSWERING TELEPHONE CALLS FOR VOTES ON SONGS THAT THEY DO PERIODICALLY.

Q IS THAT THE PRACTICE OF THE RADIO STATION KNUZ AT THAT TIME, TO PLAY RECORDS AND TAKE VOTES, IS THAT WHAT YOU ARE SAYING?

A YES, THAT IS HOW THEY FIND OUT WHICH IS THE MOST POPULAR SONG.

Q IS BUDDY MCGREGOR, OR WAS HE THEN WHAT WE CALL A DISK JOCKEY?

A YES, HE WAS ABOUT ONE OF THE BEST DISK JOCKEYS AT THAT TIME.

Q AFTER YOU FIRST BECAME ACQUAINTED WITH HIM, DID YOU SEE HIM PRIOR TO AUGUST OF 1965 FROM TIME TO TIME AND, IF SO, WHERE?

A THE ONLY TIME I HAVE SEEN TOMMY IS MOSTLY AT KNUZ RADIO STATION WHEN I WOULD GO UP THERE AND GIVE HIM A RECORD AND ASK HIM IF HE COULD GET BUDDY MCGREGOR OR ANY OF THE OTHER D.J.'S TO LISTEN TO IT.

Q ALL RIGHT, SIR. IN 1965, YOU WERE, YOURSELF, ENGAGED IN THE BUSINESS OF PROMOTING --

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS AS LEADING. SO FAR, HE HAS ALREADY LED HIM AT THIS STAGE --

THE COURT: ALL RIGHT, DON'T LEAD YOUR WITNESS.

MR. MUCH: ALL RIGHT.

Q (BY MR. MUCH) WILL YOU TELL US WHAT ACTIVITIES YOU WERE YOURSELF DOING IN THE YEAR 1965 PRIOR TO AUGUST WITH REFERENCE TO THE RECORD BUSINESS?

A I WAS PRIVATELY IN BUSINESS FOR MYSELF AS A PRODUCER AND PROMOTER AND SINGER AND I WORKED MY COMPANY UP PRETTY GOOD AND IT STARTED LOOKING LIKE IT MIGHT START DOING SOMETHING.

Q WHAT WAS THE NAME OF THAT COMPANY?

A LORI RECORD COMPANY, L-O-R-I.

Q NAMED AFTER YOUR WIFE?

A YES, SIR.

Q AND WHEN YOU SAY COMPANY, ARE YOU SPEAKING OF THE LABELS THAT YOU PRODUCED RECORDS UNDER?

A YES, SIR.

Q ALL RIGHT, SIR. YOU SAID SINGER, WERE YOU, YOURSELF, A SINGER, OR DID YOU MAKE OR PROMOTE OTHER SINGERS OR BOTH?

A I WAS A SINGER FOR ALMOST EIGHT YEARS UNTIL MY VOICE GAVE OUT.

Q ALL RIGHT. DID YOU ALSO THEN HAVE ANYTHING TO DO WITH OTHER ENTERTAINERS AS A MANAGER?

A YES, SIR.

Q IF YOU DID, DID YOU SIGN THEM UP TO CONTRACTS TO THAT EFFECT?

A YES, SIR.

Q ALL RIGHT.

A I SIGNED UP B. J. THOMAS AND ROY HEAD AND JOHNNY CLYDE COPELAND AND LAVINIA LEWIS.

Q YOU'RE SPEAKING OF THE YEAR 1965?

A YES, SIR.

Q ALL RIGHT, AND, IN TURN, AFTER YOU SIGN UP A SINGER OR AN ARTIST OR A MUSICIAN --

MR. HARTMAN: I OBJECT TO WHAT THIS

MAN TESTIFIES TO, IT'S HIS WITNESS AND SURELY HE CAN ASK HIM WHAT AND WHEN AND SO FORTH.

THE COURT: DON'T LEAD THE WITNESS, COUNSEL.

Q (BY MR. MUCH) AFTER YOU SIGN UP, AND I'M NOT LEADING I'M JUST TRYING TO FIND OUT --

MR. HARTMAN: I OBJECT TO HIM LECTURING THE WITNESS. SURELY HE CAN ASK QUESTIONS SO WE CAN GET ON WITH IT.

MR. MUCH: MAY IT PLEASE THE COURT, I'M GOING TO OBJECT TO GOVERNMENT COUNSEL INTERRUPTING ME AT THE SAME TIME. AS I UNDERSTAND IT, THIS IS MR. APPLEWHITE'S CASE AND HE IS THE LEAD COUNSEL AND IT IS APPROPRIATE --

THE COURT: THERE IS NO DISTINCTION BETWEEN COUNSEL.

Q (BY MR. MUCH) IF YOU SIGN UP ANY MUSICIANS OR SINGERS, DO YOU THEN, AS A PROMOTER, OR DID YOU, IN 1965, TRY TO GET RECORDS FOR THEM TO BE PLAYED AND GET THEIR RECORDS MADE?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THAT AS LEADING.

THE COURT: DON'T LEAD YOUR WITNESS.

RESTATE.

Q (BY MR. MUCH) WHEN YOU SIGN UP AN ARTIST, WHAT DID YOU TRY TO DO FOR HIM?

A WHEN I SIGNED ROY HEAD AND B. J. THOMAS, I WENT OUT TO DUCK RECORDS, WHICH IS OWNED BY MR. DON ROBY, AND I TOOK MR. ROY HEAD OUT THERE WITH ME AND I TOLD HIM THAT I THOUGHT THIS MAN WAS A GREAT TALENT AND HAD GREAT POSSIBILITIES OF BECOMING A LEADING ARTIST AND MR. ROBY GAVE ME AN AUDITION AT THE PALADIUM BALLROOM.

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THE NARRATIVE FORM AND OBJECT TO THIS TESTIMONY AS BEING COMPLETELY IRRELEVANT TO THIS CASE.

THE COURT: WHAT IS THE RELEVANCE, COUNSEL?

UP.

MR. MUCH: YES, I'M COMING UP, JUDGE.

THE COURT: NOT FAST ENOUGH.

MR. MUCH: JUDGE, I WANT TO DEVELOP THE WAY IN WHICH HE ACQUIRED KNOWLEDGE OF TOMMY BERGEN IN AND AROUND THE MUSIC BUSINESS AND ALSO THIS LYNDA, IN DUE COURSE.

THE COURT: LET'S NOT MAKE IT TOO MUCH OF A DUE COURSE.

MR. MUCH: ALL RIGHT.

Q (BY MR. MUCH) YOU HAVE SAID YOU WENT TO RADIO STATION KNUZ IN 1965 AND DID YOU ALSO GO AROUND TO OTHER RADIO STATIONS?

A YES, SIR.

Q WHAT DID YOU GO TO DO AND WHAT DID YOU DO?

A I WENT TO SEE THE PROGRAM DIRECTORS AND THE MUSIC DIRECTORS AND GENERALLY VISITING WITH D.J.'S FOR PROMOTION OF TALENT OF HOUSTON AND THE SURROUNDING AREA.

Q WHAT DOES PROMOTION OF TALENT MEAN, DOES IT MEAN TO GET THEM TO PLAY RECORDS, OR DO WHAT?

A YES, THIS MEANS THAT IS HAS BEEN VERY HARD TO GET LOCALLY, KIND OF LOCAL AIR PLAY FOR LOCAL TALENT, WHICH IS IN THIS AREA, HAS NEVER HAD REALLY TOO MANY BIG ARTISTS COME OUT OF IT UNTIL THE LAST COUPLE OF YEARS.

Q ALL RIGHT. HAVE YOU BEEN ACTING AS THAT KIND OF PROMOTER? FOR HOW LONG HAD YOU BEEN DOING THAT BEFORE AUGUST OF 1965?

A SIX YEARS.

Q I UNDERSTAND FROM THAT THAT YOU DID THAT AT THE SAME TIME YOU SANG, IN PART?

A YES, SIR.

Q AND, FROM TIME TO TIME, DID YOU PERFORM ANY SERVICES FOR MUSIC ENTERPRISES OR HUEY MEAUX OR ANY OF HIS BUSINESSES IN THE YEAR 1965?

A YES, SIR.

Q WERE ALL OF THOSE OF A SERVICE NATURE OR DID SOME OF THEM INVOLVE PHYSICAL LABOR OR WHAT DID THEY INVOLVE?

A WELL, I WENT TO MR. MEAUX IN 1965 AND I FIGURED THAT I NEEDED SOMEBODY THAT KNEW A LITTLE MORE ABOUT BUSINESS BECAUSE MY ARTISTS STARTING HITTING, AND HE HAD SEVERAL BIG ARTISTS IN THE PAST, AND SO, I COME TO HIM FOR HELP BECAUSE I WANTED TO MAKE SURE THAT MY ARTISTS DIDN'T FALL ONCE I GOT THEM GOING, SO, I WENT TO MR. MEAUX AND WE --

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO ANY MORE TESTIMONY. HE HAS ANSWERED THE QUESTION AND ASKED FOR IT TO BE IN QUESTION AND ANSWER FORM.

THE COURT: ALL RIGHT.

Q (BY MR. MUCH) JUST ANSWER THE QUESTION.

ALL RIGHT. DOES THAT, FROM THAT, STATE WHETHER OR NOT FROM TIME TO TIME DURING THE YEAR 1965 AND PRIOR TO AUGUST OF 1965, YOU WENT TO THE MUSIC BUILDING OR THE STUDIOS OF HUEY MEAUX.

A YES, I WENT OUT TO THE MUSIC BUILDING AND WENT TO WORK FOR MR. MEAUX.

Q ALL RIGHT. WHAT WERE YOU DOING THERE?

A I WAS HELPING HIM BUILD A STUDIO.

Q BY THAT, YOU MEAN CARPENTER WORK?

A YES, SIR.

Q DID YOU DO THIS DAY IN AND DAY OUT, OR JUST AT INTERVALS?

A I DID IT EVERY DAY.

Q FOR WHAT PERIOD OF TIME?

A OH, FOR ABOUT THREE MONTHS, BUILDING THE STUDIO, TWO MONTHS, THREE MONTHS, SOMEWHERE LIKE THAT.

Q AND DID YOU GET PAYMENT FROM MR. MEAUX OR FROM HIS COMPANIES FROM TIME TO TIME FOR THE SERVICES YOU PERFORMED?

A YES, SIR.

MR. MUCH: WOULD YOU MARK THESE SEPARATELY, OR, AT LEAST, MARK THEM 1 AND SUB-NUMBER THEM.

THE COURT: DO YOU HAVE A NUMBER OF THEM?

THE CLERK: ABOUT FOUR MORE.

THE COURT: I'LL LET YOU KEEP ON TILL 2:00 O'CLOCK AND WE'LL TAKE A RECESS.

THE CLERK: DEFENDANTS' EXHIBITS 2 THROUGH 10.

Q (BY MR. MUCH) I'LL ASK YOU TO EXAMINE DEFENDANTS' EXHIBIT 2 THROUGH 10, EACH ONE MARKED INDIVIDUALLY, AND ASK YOU TO DETERMINE WHETHER OR NOT THEY ARE

CHECKS RECEIVED --

MR. APPLEWHITE: YOUR HONOR, OBJECT, LEADING.

MR. MUCH: I ASKED HIM TO DETERMINE WHETHER OR NOT THEY ARE CHECKS RECEIVED BY HIM.

THE COURT: SUPPOSE YOU EXAMINE THEM AND WE'LL RESUME AT 2:00 O'CLOCK. IN THE MEANTIME, SAME INSTRUCTION ABOUT NOT TALKING ABOUT THE LAWSUIT OR READING OR HEARING ABOUT IT OR OTHERWISE TILL 2:00 O'CLOCK.

STAY HEALTHY.

BE BACK AT 2:00.

(THE JURY RETIRED.)

THE COURT: GENTLEMEN, THE CASE THAT I REFERRED TO IS CLANGE, C-L-A-N-G-E VERSUS THE UNITED STATES, FIFTH CIRCUIT CASE, REPORTED IN 150, FEDERAL SECOND, PAGE 261. IT WAS ON APPEAL FROM THIS COURT. I THINK I HELD FIFTEEN YEARS WAS THE LIMIT.

I HAVEN'T CHANGED MY MIND.

BETTER TAKE MY BLACK BOOK BACK SO IT WON'T GET LOST.

COURT WILL STAND ADJOURNED UNDER THE RULE UNTIL 2:00 O'CLOCK TODAY.

(NOON RECESS)

JANUARY 17, 1967

AFTERNOON SESSION

2:00 P.M., O'CLOCK

THE COURT: PLEASE BE SEATED, EVERYONE.

HAD YOU FINISHED MARKING THEM, MR. COSTA?

THE CLERK: YES.

THE COURT: GO AHEAD.

THE CLERK: DID I SAY DEFENDANTS' EXHIBITS 2 THROUGH 10?

MR. MUCH: YES, SIR.

DIRECT EXAMINATION (CONTINUED)

BY MR. MUCH:

Q MR. BOOTH, YOU WERE TESTIFYING AT THE CLOSE OF THE LAST SESSION?

A YES, SIR.

Q YOU WERE ON THE STAND AT THE CLOSE OF THE LAST SESSION?

A YES, SIR.

Q I SHOW YOU DEFENDANTS' EXHIBITS MARKED IN SUCCESSION 2 THROUGH 10 AND ASK YOU IF YOU EVER SAW THEM BEFORE?

A YES, SIR.

Q AND WHETHER OR NOT THEY EVER CAME INTO YOUR POSSESSION?

A YES, SIR.

Q WOULD YOU TELL US WHAT THEY ARE FOR AND HOW THEY CAME INTO YOUR POSSESSION.

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS. I DON'T SEE THE RELEVANCE OF THESE CHECKS THAT THIS MAN GOT FROM HUEY MEAUX CONCERNING THIS CASE BEFORE US NOW.

THE COURT: MAY I SEE THEM?

TAKE THE JURY OUT, MR. BAILIFF.

(THE JURY RETIRED.)

THE COURT: WHAT IS THE PROBATIVE FORCE? WHAT IS IT THAT YOU --

MR. MUCH: YOUR HONOR, I WISH TO SHOW BY THESE CHECKS THE VARIED NATURE OF HIS EMPLOYMENT IN THE IMMEDIATE PERIOD BEFORE THE RECEIPT OF FUNDS BY HIM AT OR ABOUT THE TIME OF THE TRIP, AND YOU WILL OBSERVE THAT THEY COVER A PERIOD, IF YOU HAVE EXAMINED THEM, OF APPROX-IMATELY THE YEAR 1965, PARTICULARLY IN AND AROUND AND JUST BEFORE OCTOBER OF

1965.

THE COURT: WHAT IS THE PROBATIVE FORCE OF THAT? I DON'T QUITE FOLLOW.

MR. MUCH: WELL, AMONG OTHER THINGS, I WANT TO SHOW THAT CHARLIE BOOTH WAS NOT A REGULAR TIME EMPLOYEE OF MR. MEAUX, THAT IT WAS PART-TIME WORK, VARIED KINDS OF WORK, THAT A PORTION OF THE SERVICES HE PERFORMED WERE IN CONNECTION WITH PHYSICAL LABOR, FOR PROMOTION, FOR OTHER ACTIVITIES, AND, IN PARTICULAR, THAT ONE OF THE CHECKS WAS FOR THE TRIP TO NASHVILLE.

MR. APPLEWHITE: I WOULD HAVE THE SAME OBJECTION, YOUR HONOR.

THE COURT: AND HOW DOES THAT, WHAT DOES THAT PROVE WITH REFERENCE TO A SO-CALLED MANN ACT CASE, WHEN HAS ANY-BODY DENIED THAT HE WORKED FOR MR. -- FOR THIS GENTLEMAN?

MR. MUCH: IT HAS ALREADY BEEN PUT IN EVIDENCE BY THE GOVERNMENT, THE STATE-MENT BY THE WITNESS THAT WAS ON THE STAND THAT HE WORKED FOR MR. MEAUX, IN TRUTH, HE WORKED FOR SEVERAL DIFFERENT

CORPORATIONS.

THE COURT: WELL, I DIDN'T HEAR ANY-BODY SAY HE WORKED FOR MR. MEAUX ONLY, OR ANYTHING OF THAT NATURE. I DON'T SEE THE RELEVANCY OF IT AT THIS TIME. MAYBE IT WILL DEVELOP LATER.

I WILL SUSTAIN THE OBJECTION AT THIS TIME TO THE INTRODUCTION OF THESE CHECKS.

BRING THE JURY BACK, MR. BAILIFF.

MR. MUCH: BEFORE THAT --

THE COURT: WAIT JUST A MINUTE.

YES, MR. MUCH?

MR. MUCH: IF IT PLEASE THE COURT --

THE COURT: YES?

MR. MUCH: I, OF COURSE, NATURALLY WANT TO ABIDE BY THE COURT'S RULING AND WANT TO BE SURE I STAY WITHIN THE GUIDE LINES.

THE COURT: ALL RIGHT.

MR. MUCH: BUT IT'S MY INTENTION TO PROVE BY THIS WITNESS AND OTHERS EXACTLY HOW THE TRIP CAME ABOUT, THE PLANS MADE AND THE DISCUSSION THAT WAS HAD.

THE COURT: THAT'S ALL RIGHT.

MR. MUCH: AND ONE OF THEM IS GOING TO INVOLVE A CHECK.

THE COURT: WELL, IF IT BECOMES MATERIAL, THEN, YOU CAN OFFER IT, BUT ON THE STATE OF THE RECORD, I WILL SUSTAIN THE OBJECTION.

MR. MUCH: ALL RIGHT, SIR.

THE COURT: BRING THE JURY BACK.

(THE JURY RETURNED.)

THE COURT: PROCEED, GENTLEMEN.

Q (BY MR. MUCH) STATE WHETHER OR NOT YOU DID WORK IN 1965 IMMEDIATELY PRIOR TO OCTOBER OF 1965, IN OR AROUND THE MUSIC BUILDING, AND, IF SO, FOR WHAT COMPANIES.

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO HIM LEADING. HE CAN ASK THE MAN WHERE HE WORKED, BUT I WOULD OBJECT ON THAT GROUND.

THE COURT: ALL RIGHT. DON'T LEAD YOUR WITNESS.

REFRAME.

Q (BY MR. MUCH) FOR WHAT COMPANIES DID YOU WORK IMMEDIATELY PRIOR TO OCTOBER OF 1965?

A MUSIC ENTERPRISES, INCORPORATED, PACEMAKER RECORD COMPANY, CRAZY CAJUN, INCORPORATED.

THE COURT: IS THAT THE LOUDEST THAT YOU CAN TALK, MR. BOOTH?

THE WITNESS: I'M A LITTLE BIT HOARSE, I'LL TRY TO TALK A LITTLE LOUDER.

Q (BY MR. MUCH) WHAT KIND OF COMPANIES ARE THOSE?

A RECORD COMPANIES AND PUBLISHING COMPANIES AND GENERALLY WITH THE GENERAL EMPLOYMENT OF RECORDING TALENTS.

Q ALL RIGHT. IN THE COURSE OF THOSE ACTIVITIES, DID YOU GO AROUND TO DIFFERENT RADIO STATIONS?

A YES, SIR.

Q WHAT WERE YOU DOING THERE?

A PROMOTION ON RECORDS FOR ROY HEAD AND B. J. THOMAS AND DIFFERENT RECORDING ARTISTS.

Q DO YOU KNOW WHETHER OR NOT THE COMPANIES YOU HAVE MENTIONED HAD ANYTHING TO DO WITH THOSE ARTISTS?

A YES, THEY WERE, ROY HEAD AND B. J. THOMAS WAS ASSIGNED TO MUSIC ENTERPRISES, WHICH MEANS THAT MR. MEAUX WAS THE, WAS IN THE CORPORATION OF MUSIC ENTERPRISES.

Q ALL RIGHT, SIR. IN THE COURSE OF YOUR ACTIVITIES, PRIOR TO OCTOBER OF 1965, DID YOU HAVE OCCASION TO SEE TOMMY BERGEN, AND, IF SO, WHERE?

A I SEEN MR. BERGEN AT KILT, THREE OR FOUR TIMES. I HAVE SEEN HIM AT THE MUSIC BUILDING ON SEVERAL

OCCASIONS.

Q ANY OTHER PLACE THAT HE WAS EMPLOYED?

A OUT AT, WENT OUT TO NEWBERRY'S IN GULFGATE, HE WAS OVER THE RECORD DEPARTMENT OUT THERE, WORKED OUT THERE AND I USED TO TAKE HIM RECORDS OUT THERE SO HE COULD PLAY THEM, YOU KNOW, WHEN PEOPLE COME IN TO THE STORE, HE PLAYED RECORDS AND WORKED IN THE RECORD DEPARTMENT.

Q ALL RIGHT.

A PRODUCED RECORDS AND DIFFERENT --

Q ALL RIGHT. DURING THE PERIOD PRIOR TO OCTOBER 1955, DID YOU SEE --

THE COURT: DID YOU SAY '55?

MR. MUCH: I DON'T KNOW WHAT I SAID, YOUR HONOR. I MEANT TO SAY 1965, AND I'LL REPHRASE THE QUESTION TO SAY, BEFORE OCTOBER, 1965, WHAT DID YOU SEE TOMMY BERGEN, IF ANYTHING, DO AROUND THE MUSIC BUILDING?

A WELL, HE WAS WORKING, TRYING TO LEARN THE SWITCHBOARD OUT THERE, THE BOARD WHICH WE CALL FOR RECORDING TALENTS.

Q (BY MR. MUCH) THE SWITCHBOARD?

A WELL, THEY HAVE THE SWITCHES ON IT, AND IT HAS GUIDINGS AND KNOBS AND EVERYTHING. IT'S ABOUT LIKE TRYING TO RUN AN AIRPLANE, IT'S HARD TO LEARN.

Q WHAT IS IT USED FOR?

A RECORDING TALENTS. IT'S A GIANT, HUGE BOARD, CORRECTING TO FOUR TRACK STEREO TAPES AND THREE TRACK STEREOS DOWN TO MON-ORAL ONES AND IT'S KIND OF COMPLICATED TO LEARN THERE, AND HE WAS TRYING TO LEARN THIS AND LET IT GO ALONG WITH HIS SCHOOLING, USING IT FOR PART OF HIS SCHOOL ACTIVITIES FOR MERITS OR CREDITS OR SOMETHING LIKE THAT.

Q DID YOU HAVE ANY CONVERSATION WITH HIM ABOUT WHAT HE WAS DOING OUT THERE?

A YES, HE WAS ALWAYS TRYING TO GET ME TO LISTEN TO ONE OF HIS TAPES, YOU KNOW, TO SEE IF I THOUGHT IT WAS GOOD, AND HE DID SOME PRETTY GOOD TAPES THERE, YOU KNOW, WITH THE TALENTS. HE HAD, I CAN'T THINK OF THE NAME RIGHT OFFHAND, THERE WAS ONE GROUP THAT HE HAD OUT THERE QUITE A BIT, AND HAD THEM IN THE STUDIO QUITE A BIT, TRYING TO RECORD THEM AND PUT RECORDS OUT ON THEM.

Q DID YOU OR THE OTHERS AROUND THERE HAVE ANY PARTICULAR NAME OR NICKNAME FOR TOMMY BERGEN, III?

A YES, HE WAS THE KID.

Q THE KID?

A THE KID, YES.

Q DO YOU KNOW WHETHER OR NOT HE SUBSEQUENTLY PUT OUT RECORDS UNDER THE KID LABEL?

A YES, SIR.

Q NOW, YOU HAVE BEEN IN COURT DURING THE TESTIMONY OF LYNDA PUCKETT?

A YES, SIR.

Q WHERE DID YOU FIRST MEET HER, IF YOU CAN RECALL, AND WHERE, OR WHEN DID YOU FIRST SEE HER?

A I MET LYNDA ELLIS, SHE WAS INTRODUCED TO ME AS LYNDA ELLIS, AT THE MUSIC BUILDING IN THE LOUNGE.

I WALKED IN AND MR. BERGEN WAS THERE AND HE SAYS, "CHARLIE, THIS IS CHARLIE BOOTH."

AND I SAID, "PLEASED TO MEET YOU."

AND HE SAID, "THIS IS LYNDA ELLIS."

AND I SAID, "PLEASED TO MEET YOU."

AND I WENT ON BY.

Q THERE WAS NO OTHER CONVERSATION?

A NO, SIR.

Q AND, SUBSEQUENT TO THAT TIME, FIRST, WHEN WAS THAT TIME WITH REFERENCE TO YOUR TRIP TO NASHVILLE?

A OH, I WOULD SAY IT WAS ABOUT A WEEK BEFORE THE NASHVILLE TRIP, SOMEWHERE IN THAT --

Q ALL RIGHT. DID YOU HAVE ANY CONVERSATION WITH TOMMY -BERGEN ABOUT LYNDA BEFORE YOU LEFT FOR NASHVILLE, ANYTHING ABOUT HER, OR DID YOU SAY ANYTHING ABOUT HER TO HIM?

A WELL, TOMMY SAYS, SAYS, "SHE'S -- ", I FORGET EXACTLY THE WORD, ANYWAY, TO SAY WHAT DO YOU THINK ABOUT MY

GIRL, AND I SAID, "SHE'S NICE LOOKING."

Q ALL RIGHT.

A AND THAT'S ALL WAS SAID ABOUT HER.

Q NOW, APART FROM THE OCCASION WHEN YOU MET HER IN THE FRONT, PARDON ME, WAS THE LOUNGE IN THE FRONT PART OF THE MUSIC BUILDING?

A YES, SIR.

Q ON THE OCCASION WHEN YOU FIRST MET HER IN THE FRONT PART OF THE MUSIC BUILDING, DID YOU EVER HAVE ANY CONVERSATIONS OF ANY KIND WITH HER UNTIL THE DAY YOU WENT OR STARTED TO NASHVILLE?

A NO, SIR.

Q WERE YOU EVER IN HER PRESENCE AT ANY TIME FROM THE DAY YOU MET HER IN THE FRONT PART OF THE MUSIC BUILDING UNTIL THE DAY YOU LEFT FOR NASHVILLE IN OCTOBER?

A YES, OVER AT TEEN TOWN ONE NIGHT, SHE WAS OVER THERE, AND, I MEAN, SHE WAS IN, LIKE IN A BUILDING THIS SIZE, OR BIGGER.

Q DID YOU HAVE ANY CONVERSATION WITH HER?

A NO, SIR.

Q WITH WHOM WAS SHE AT THAT TIME?

A SIR?

Q WITH WHOM WAS SHE AT THAT TIME?

A TOMMY BERGEN.

Q DID YOU HAVE ANY CONVERSATION WITH TOMMY BERGEN IN HER

PRESENCE AT THAT TIME?

A NO, SIR.

Q ALL RIGHT, SIR. NOW, WHEN WAS THE FIRST OCCASION THAT YOU HAD ANY DISCUSSION WITH EITHER HUEY MEAUX OR TOMMY BERGEN OR ANYONE ELSE ABOUT GOING TO THE CONVENTION AT NASHVILLE IN OCTOBER OF 1965, WHERE WERE YOU, WHO WAS THERE?

A WELL, I WAS GETTING READY TO GO HOME, AND I HEARD MR. MEAUX MENTION SOMETHING ABOUT THE COUNTRY AND WESTERN CONVENTION. IT WAS ON A FRIDAY, AND I ASKED MR. MEAUX, I SAYS --

Q PARDON ME, WHO ELSE WAS THERE?

A MR. CEDRIC FONTENEAUX, BILL MCKAY AND HUEY MEAUX.

Q ALL RIGHT. GO AHEAD.

A AND I ASKED MR. MEAUX, I SAID, "I SURE WOULD LIKE TO GO TO THAT COUNTRY AND WESTERN CONVENTION; I HAVE NEVER BEEN TO ONE."

AND HE SAID, WELL, HE DIDN'T SEE HOW HE COULD, YOU KNOW, LET ME GO. AND I TOLD HIM, WELL, I SAID, "IT WOULDN'T COST ME BUT ABOUT FORTY DOLLARS." AND I SAID, "I CAN GET UP THERE FOR ABOUT FORTY DOLLARS IF I CAN GET JUST THE EXPENSES UP THERE."

AND, AT THAT TIME, I WAS WANTING TO GO UP THERE TO SEE AN R.C.A.-VICTOR, MR. FELTON JARVIS IN NASHVILLE ABOUT GETTING THE FREDDIE CANNON AND THE

JADES ON R.C.A.-VICTOR. I HAD SENT THEM A TAPE AND THEY SAID THEY LIKED THE TAPE, AND I FIGURED IF I GOT UP THERE, I COULD SELL IT TO THEM.

MR. APPLEWHITE: OBJECT TO THE NARRATIVE FORM OF THE ANSWER.

THE COURT: YES, JUST ANSWER THE QUESTION.

Q (BY MR. MUCH) WOULD YOU CONTINUE WITH THE CONVERSATION THAT TOOK PLACE ON FRIDAY AFTERNOON, IF IT WAS --

A YES, SIR.

Q -- THAT YOU WERE TALKING ABOUT WITH HUEY MEAUX.

THE COURT: NOT WITH REFERENCE TO YOUR THOUGHTS, AND SO FORTH.

MR. MUCH: JUST WHAT WAS SAID BETWEEN YOU AND MR. MEAUX AND MR. FONTENEAUX OR WHOEVER ELSE SAID ANYTHING DURING THAT CONVERSATION.

THE COURT: HE ASKED FOR WHAT WAS SAID AND NOT WHAT YOU THOUGHT.

THE WITNESS: YES, I'M SORRY.

THE COURT: GO AHEAD.

A AND MR. FONTENEAUX WAS THERE AND MR. FONTENEAUX SAID, "I THINK IT WOULD BE A GOOD IDEA IF CHARLIE WENT. I COULD GO WITH HIM."

AND SO, HUEY ASKED HIM, YOU KNOW, WHY,

HOW COME OR, I DON'T KNOW EXACTLY WHAT THE CONVERSATION WAS, BUT IT WAS TO DO WITH HIM HAIR-STYLING D.J.'S AND DIFFERENT REPRESENTATIVES' HAIR WHILE HE WAS THERE IN NASHVILLE, TENNESSEE, FOR MR. FONTENEAUX TO RIDE WITH ME UP THERE, AND SO, THEN, WE DECIDED WE WOULD DO THAT.

Q BY THAT, YOU MEAN YOU AND MR. FONTENEAUX WOULD GO?

A YES, SIR.

Q AND YOU SAID SOMETHING ABOUT NEEDING FORTY DOLLARS, DID YOU HAVE ANY DISCUSSION ABOUT WHAT THE FORTY DOLLARS WOULD BE USED FOR?

A YES, FOR GAS AND A PAIR OF SHOES.

Q SHOES?

A YES, SIR.

Q FOR WHOM?

A FOR ME.

Q EVERY --

A WELL, I DIDN'T, SEE, I WANTED A PAIR OF THOSE SHOES LIKE EVERYBODY WAS GOING TO WEAR. I NEVER HAD BOUGHT ANY PAIR OF HIGH-HEELED HIGH-TOPPED SHOES AND THEY COST, I THINK IT'S ELEVEN NINETY-FIVE AT FLAGG SHOE STORE, AND I FIGURED THE GAS, AND I FIGURED I COULD MAKE IT, YOU KNOW.

Q DID YOU DISCUSS THAT AT THAT TIME WITH MR. MEAUX?

A YES, SIR.

Q ALL RIGHT. NOW, WAS THERE ANY DISCUSSION AT THAT TIME ABOUT WHEN YOU WERE GOING TO LEAVE AND WHERE YOU WERE GOING TO LEAVE FROM AND WHERE YOU WERE TO MEET MR. FONTENEAUX, OR ANYTHING ABOUT THAT?

A YES, SIR. MR. MEAUX SAID THAT WE WOULD MEET MONDAY AT THE MUSIC BUILDING AT 6:00 O'CLOCK.

Q 6:00 O'CLOCK IN THE A.M. OR P.M.?

A P.M.

MR. APPLEWHITE: YOUR HONOR, OBJECT -- JUST A MINUTE, I WOULD LIKE TO OBJECT. COULD WE SPECIFY THE DATE THIS CONVERSATION TOOK PLACE AND THE DATE THEY WERE SUPPOSED TO LEAVE?

MR. MUCH: ALL RIGHT.

Q (BY MR. MUCH) WITH REFERENCE TO THE DAY YOU WERE TO LEAVE FOR NASHVILLE?

A THE 15TH WAS THE DAY WE HAD THE CONVERSATION.

Q THE 15TH OF OCTOBER?

A YES, ON FRIDAY AFTERNOON, AND THE 18TH IS MONDAY, OR THE 17TH, I'M NOT SURE, ON OR AROUND THE 17TH OR 18TH.

Q THE 15TH IS FRIDAY AND THE 18TH WOULD BE MONDAY, WOULDN'T IT?

A YES, SIR.

Q ALL RIGHT, BUT YOU WERE TO LEAVE MONDAY AFTERNOON AFTER THE 15TH, IS THAT WHAT YOU SAID?

A YES, SIR.

Q YOU WERE TO LEAVE FROM WHERE, THE MUSIC BUILDING?

A YES, SIR.

Q AND, AT OR DURING THAT CONVERSATION, WAS THERE ANY DISCUSSION BETWEEN YOU AND MR. MEAUX OR YOU AND ANYBODY ELSE OR MR. MEAUX AND ANYBODY ELSE ABOUT EITHER TOMMY BERGEN OR LYNDA ELLIS OR LYNDA PUCKETT GOING?

A I CAME OUT TO WORK FRIDAY --

Q -- FIRST, TELL ME, WAS THERE DISCUSSION FRIDAY?

A YES, SIR.

Q THERE WAS A DISCUSSION ON FRIDAY?

A NO, ON SATURDAY AFTERNOON.

Q I WANT TO ASK FIRST ON FRIDAY DURING THE DISCUSSION YOU HAD ABOUT YOUR GOING TO THE CONVENTION AND MR. FONTENEAUX GOING, WAS THERE ANY MENTION OF EITHER TOMMY BERGEN OR LYNDA PUCKETT GOING?

A NO, SIR.

Q NOW, WAS THERE ANY DISCUSSION BETWEEN, AT THAT TIME, BY YOU OR ANYBODY ELSE ABOUT WHAT YOU WERE GOING TO DO IN NASHVILLE, IF YOU WENT?

A YES, I WAS TO RUN ERRANDS AND DIFFERENT THINGS LIKE THAT, AND MEET PRESIDENTS OF BIG RECORD COMPANIES I HAD NEVER SEEN BEFORE, AND I KNEW A COUPLE OF PRESIDENTS THAT I FIGURED I MIGHT BE ABLE TO INTRODUCE MR. MEAUX TO.

Q WHEN YOU SAY YOU FIGURED IT, DO YOU MEAN YOU DISCUSSED IT?

A YES, SIR.

Q ALL RIGHT. GO ON.

A AND IT WAS IN THE GENERAL CONVERSATION AND IT HAD DIFFERENT THINGS THAT I WAS JUST TRYING TO SELL HIM ON LETTING ME GO.

Q YOU WANTED TO GO?

A YES, SIR.

Q AMONG THOSE THINGS, HOW WAS MR. MEAUX TO GET HIS EQUIPMENT UP THERE, OR DID HE HAVE ANY EQUIPMENT TO GO UP THERE?

A YES, I ALSO TOLD HIM IF HE WOULD LET ME GO, YOU KNOW, I COULD CARRY THE RECORD PLAYERS AND THE RECORDING MACHINES AND PLAY THE TAPES AND ALL THE TAPES AND EVERYTHING IN THE TRUNK OF THE CAR AND HE COULD SAVE FREIGHT ON THEM, AND THAT WOULDN'T COST NO MORE THAN FORTY DOLLARS.

Q NOW, DO YOU KNOW WHETHER OR NOT TOMMY BERGEN WAS PRESENT OR AROUND THE BUILDING DURING THAT CONVERSATION?

A NO, I DON'T REALLY KNOW IF HE WAS THERE OR NOT, BECAUSE HE WAS AROUND QUITE A BIT AT DIFFERENT INTERVALS, IN AND OUT, AND SUCH AS THAT, AND HE WORKED DIRECTLY WITH MR. MEAUX MOST OF THE TIME, YOU KNOW.

Q YOU HAVE SAID THAT YOU HAD A DISCUSSION ABOUT LEAVING AT

6:00 P.M. ON MONDAY?

A YES.

Q AND WITH MR. FONTENEAUX, WAS THERE ANY REASON WHY YOU FIXED THAT PARTICULAR TIME AND WAS IT DISCUSSED, I MEAN?

A YES. I HAD MY WIFE'S CAR. SHE HAD, AT THAT TIME, SHE HAD A RAMBLER, AND IT WAS IN THE SHOP AND I WAS GOING TO HAVE TO TAKE HER HOME FROM WORK AND I HAD TO GET MY STUFF TOGETHER AND EVERYTHING, SO, I FIGURED I COULD TAKE HER HOME AND GET BACK TO THE MUSIC BUILDING BY 6:00 O'CLOCK.

Q WAS THAT DISCUSSED ON FRIDAY?

A YES, SIR.

Q AND THEN, IN TURN, FOLLOWING THAT, DID YOU HAVE ANY OTHER DISCUSSION WITH HUEY MEAUX OR ANYBODY ELSE AFTER THAT FRIDAY AFTERNOON BEFORE YOU LEFT ABOUT GOING TO NASHVILLE?

A YES, SIR.

Q WHERE WAS THAT?

A MUSIC BUILDING.

Q WHEN WAS THAT?

A IT WAS ABOUT 4:00 O'CLOCK IN THE AFTERNOON OF THE NEXT DAY, 16TH.

Q WAS IT SATURDAY?

A YES, SIR.

Q WHO WAS PRESENT?

A HUEY MEAUX AND FONTENEAUX.

Q ANYONE ELSE THERE?

A YES, BILL MCKAY AND FONTENEAUX WAS THERE.

Q SAME TWO MEN?

A YES, THEY WORKED THERE, ALSO.

Q DID YOU HAVE ANY FURTHER DISCUSSION AT THAT TIME ABOUT GOING TO NASHVILLE?

A YES, SIR.

Q -- YOUR GOING TO NASHVILLE?

A YES.

Q TELL ME, IF YOU WILL, WHAT WAS SAID, GENERALLY, OR AS EXACTLY AS YOU CAN DURING THAT CONVERSATION.

A WELL, I CAME IN AND I WAS FIXING TO, SOME WIRING IN THE BACK PANEL OF THE BOARD, AND MR. MEAUX AND MR. FONTENEAUX AND ALL OF THEM WAS THERE TO LISTEN, YOU KNOW, TO THE TAPE.

MR. APPLEWHITE: YOUR HONOR, I'LL OBJECT AND ASK THE WITNESS JUST TO ANSWER THE QUESTION.

THE COURT: WHO WAS PRESENT?

THE WITNESS: WE WERE ALL IN THIS ROOM TOGETHER.

Q (BY MR. MUCH) ALL RIGHT.

A IN THE STUDIO, AND MR. MEAUX ASKED ME IF I WOULD MIND

TAKING TOMMY BERGEN, WHO IS ASSISTANT D.J., HE WANTED TO GO REAL BAD TO NASHVILLE, TENNESSEE WITH ME AND HIS GIRL FRIEND, AND I SAID, "NO, SIR, I WOULDN'T HAVE ANY OBJECTION AT ALL."

Q DID HE TELL YOU WHO THE GIRL FRIEND WAS?

A YES.

Q WHAT DID HE CALL HER?

A LYNDA ELLIS.

Q ALL RIGHT. DID YOU HAVE ANY DISCUSSION ABOUT WHETHER IT WAS GOING TO COST YOU ANYTHING OR NOT?

A YES, I ASKED HIM, YOU KNOW, I TOLD HIM AND I DIDN'T THINK IT WOULD COST ANYTHING EXTRA FOR THEM TO GO, WE WERE GOING ANYWAY.

Q ALL RIGHT. NOW, WHAT DISCUSSION WAS HAD BY YOU WITH MR. MEAUX OR ANYBODY ELSE PRIOR TO YOUR LEAVING ABOUT WHERE YOU WERE TO STAY AND WHO WAS TO PROVIDE YOUR FOOD?

A MR. MEAUX SAID THAT WE WOULD STAY AT THE CAPITOL PARK INN, TO MEET HIM THERE, AND THAT ALL OF US WOULD STAY THERE AT THE CAPITOL PARK INN IN NASHVILLE, TENNESSEE.

Q DID HE SAY ANYTHING ABOUT WHETHER OR NOT THEY HAD ROOMS AVAILABLE OR RESERVED OR ANYTHING OF THAT KIND?

A YES. MR. MEAUX ALWAYS RESERVED ROOMS AND STUFF LIKE THAT FOR THE CONVENTIONS.

Q ALL RIGHT.

A I KNOW HE SAID, HE SAID HE HAD TWO OR THREE ROOMS

AVAILABLE AND THERE HAD BEEN ONE OR TWO OF THE CLIENTS, OR SOMETHING LIKE THAT, THAT HAD CANCELLED OUT.

Q THAT WAS DISCUSSED BEFORE YOU LEFT?

A YES, SIR.

Q ALL RIGHT, SIR. DID YOU HAVE ANY DISCUSSIONS, FIRST, AT THAT TIME, WAS IT SETTLED OR WAS THERE AT SOME OTHER TIME A CONVERSATION FROM WHICH YOU KNEW WHERE TO PICK UP TOMMY BERGEN AND LYNDA ELLIS?

A NO. HE SAID THAT HE WOULD HAVE THEM THERE AT 6:00 O'CLOCK.

Q WHERE?

A AT THE MUSIC BUILDING.

Q THEY WERE TO BE THERE AT 6:00 O'CLOCK ON WHAT DATE?

A MONDAY.

Q ALL RIGHT, SIR. WAS THERE ANY DISCUSSION AT ALL ABOUT HOW YOU WERE TO GET THE FORTY DOLLARS TO GO?

A YES. MR. MEAUX DIDN'T HAVE HIS CHECKBOOK THERE ON THE SATURDAY, THEY WAS LOCKED UP, OR SOMETHING, WITH HIS SECRETARY. I DON'T KNOW WHY OR HOW COME, BUT HE SAID IF I WOULD COME BY MONDAY MORNING, I COULD GET THE CHECK AND CASH IT.

Q DID YOU GO BY MONDAY MORNING?

A YES, SIR.

Q I SHOW YOU EXHIBIT NO. 9, DEFENDANT'S EXHIBIT NO. 9, AND ASK YOU WHETHER OR NOT, WHEN YOU WENT BY ON MONDAY,

THAT WOULD BE THE 18TH OF OCTOBER, --

A YES, SIR.

Q -- DID YOU GET THE CHECK?

A YES, SIR.

Q WOULD YOU LOOK AT EXHIBIT NO. 9 AND SEE IF THAT IS THE CHECK YOU GOT?

A YES, SIR.

Q WOULD YOU EXAMINE THE CHECK AND SEE WHERE YOU CASHED IT AND ON WHAT DATE.

A I CASHED IT AT THE PASADENA NATIONAL BANK AND IT SAYS, "PASADENA NATIONAL BANK."

Q DOES IT SHOW THE DATE YOU CASHED IT?

A OCTOBER THE 18TH, 1965.

MR. MUCH: I OFFER DEFENDANTS' EXHIBIT NO. 9 IN EVIDENCE.

THE COURT: NO OBJECTION?

MR. APPLEWHITE: NO OBJECTION.

THE COURT: ADMITTED IN EVIDENCE.

MR. MUCH: MAY I PASS IT TO THE JURY?

THE COURT: YES.

Q (BY MR. MUCH) NOW, FOLLOWING THE CONVERSATION ON SATURDAY WITH MR. MEAUX AT WHICH TIME YOU UNDERSTOOD, IF I FOLLOW YOU, THAT YOU WERE TO PICK UP BY THAT TIME THREE PEOPLE, FONTENEAUX, BERGEN AND LYNDA ELLIS, ON MONDAY?

A YES, SIR.

Q DID YOU HAVE ANY FURTHER CONVERSATION WITH TOMMY BERGEN AT ALL BEFORE YOU MET HIM AT THE STUDIO THAT EVENING?

A NO, SIR.

Q NOR WITH FONTENEAUX, OR DID YOU?

A I TALKED TO FONTENEAUX AND HE SAID HE WOULD MEET ME THERE AND --

Q ALL RIGHT.

A -- I TALKED TO HIM ABOUT STYLING MY HAIR AND HE GAVE ME A FREE HAIR STYLE AND HE WAS PRETTY RARE ABOUT DOING THAT, HE WOULDN'T HARDLY EVER DO IT FOR ME.

Q ARE YOU TALKING ABOUT CUTTING YOUR HAIR?

A NO, HE'S A HAIR STYLIST.

Q BY THE WAY, MR. FONTENEAUX IS WHAT THEY CALL A HAIR STYLIST?

A NORRIS OF HOLLYWOOD.

Q OF WHAT?

A HAIR STYLIST AT NORRIS OF HOLLYWOOD.

Q YOU SAID SOMETHING ABOUT DISCUSSIONS THAT HE WAS GOING TO DO SOME HAIR STYLING IF HE WENT, FOR THE PEOPLE AT THAT CONVENTION?

A YES, SIR.

Q DO YOU KNOW ANYTHING ABOUT MR. FONTENEAUX'S DOING THAT SORT OF THING ESPECIALLY FOR MUSICIANS AND ARTISTS?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO LEADING. I HATE TO KEEP OBJECTING, BUT HE KEEPS LEADING.

THE COURT: ALL RIGHT, DON'T LEAD YOUR WITNESS.

REFRAME.

Q (BY MR. MUCH) WHAT DO YOU KNOW ABOUT MR. FONTENEAUX'S ACTIVITIES OR SPECIALITIES WITH REFERENCE TO THE HAIR STYLING, HAIR DRESSING OR CUTTING HAIR FOR ARTISTS, MUSICIANS, SINGERS AND PEOPLE WHO GO ON THE STAGE?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS AS BEING IMMATERIAL TO THIS CASE, A MANN ACT CASE.

THE COURT: THE MAN DIDN'T GO ON THE TRIP, DID HE?

THE WITNESS: NO.

THE COURT: WHAT IS THE MATERIALITY IF HE DIDN'T GO?

MR. MUCH: YOUR HONOR, I WANT TO SHOW THE ARRANGEMENTS OR PLANS AND THE REASON FOR HIS GOING, I'M COMING TO WHY HE DIDN'T GO.

THE COURT: WELL, JUST ASK HIM, THEN. LET'S ELIMINATE HIS PROFESSIONAL

ATTAINMENTS.

Q (BY MR. MUCH) ALL RIGHT. AFTER YOU CASHED THE CHECK ON MONDAY, WHAT DID YOU DO FROM THAT TIME ON UNTIL YOUR DEPARTURE?

A I CAME BACK TO, WELL, I WENT TO THE BANK, WHICH IS RIGHT AROUND THE CORNER, AND I CASHED THE CHECK AND CAME BACK TO THE BUILDING AND STARTED LOADING ABOUT EIGHT HUNDRED RECORDS, A RECORD PLAYER, AMPEX RECORDER, AND SEVERAL DIFFERENT TAPES, THREE TRACKS, AND MONAURAL TAPES INTO THE TRUNK OF THE CAR.

Q IS THAT THE SAME CAR THAT YOU TOOK TO NASHVILLE?

A YES, SIR.

Q ALL RIGHT. YOU LOADED THOSE THINGS, THEN; WHAT DID YOU DO?

A THEN, I WENT AND GOT MY WIFE AND TOOK HER HOME AND GOT THE CLOTHES AND PUT THEM IN THE BACK SEAT.

I HUNG MY CLOTHES ON A RACK ACROSS THE BACK SEAT.

Q WHERE DID YOU PUT YOUR LUGGAGE?

A I JUST HAD ONE BAG AND I PUT IT UP ON THE TOP SEAT OF THE BACK SEAT, TOP OF THE BACK SEAT, OR I DON'T KNOW WHAT YOU CALL IT.

Q AND THEN, WHERE DID YOU GO TO MEET THESE PEOPLE?

A I WENT BACK TO THE MUSIC BUILDING.

Q ABOUT WHAT TIME DID YOU ARRIVE?

A I GOT THERE ABOUT 6:00, FIVE AFTER 6:00, SOMEWHERE.

Q WHEN YOU ARRIVED, WAS MR. FONTENEAUX THERE?

A NO, HE WASN'T.

Q DID YOU MAKE ANY EFFORT TO LOCATE HIM?

A YES, I WENT IN AND ASKED THE SECRETARY.

Q DON'T TELL US EXACTLY WHAT YOU ASKED, BUT DID YOU TRY TO FIND HIM THROUGH THE SECRETARY?

A YES, SIR.

Q DID YOU KNOW HIS TELEPHONE NUMBER?

A NO, HE DIDN'T HAVE A PHONE AND THE LADY SAID HE APPARENTLY LEFT WITH MR. MEAUX ON THE AIRPLANE.

Q ALL RIGHT. BY THAT TIME, HAD HUEY MEAUX ALREADY GONE?

A YES, SIR.

Q AND WHEN DID YOU THEN SEE TOMMY BERGEN AND LYNDA ELLIS?

A TOMMY AND THEM CAME INTO THE BUILDING.

Q ALL RIGHT. THAT'S ABOUT 6:00 OR LATER?

A ABOUT 6:00 O'CLOCK.

Q AND HOW LONG DID IT TAKE YOU TO LEAVE AFTER HE CAME IN?

A TOOK ABOUT, OH, I GUESS ABOUT TWELVE, THIRTEEN, ABOUT FIFTEEN MINUTES, SOMETHING LIKE THAT, WENT RIGHT OUT AND LOADED EVERYTHING FROM HIS CAR TO MINE, AND THEN, I FOLLOWED HIM OVER TO HIS HOUSE WHERE HE DROPPED HIS CAR AND I GOT GASOLINE AND I LEFT.

Q ALL RIGHT, SIR. DID YOU MAKE ANY KIND OF RECORD OF

YOUR PURCHASES?

A YES, SIR.

Q ON THAT TRIP?

A YES. I MAINTAINED ALL MY RECEIPTS FOR THE TRIP.

Q ALL RIGHT.

MR. MUCH: I ASK TO HAVE THIS MARKED, PLEASE, SIR.

FOR CONVENIENCE, I'LL HAVE THEM ALL MARKED IN ORDER.

THE COURT: HAVE YOU GOT ANYTHING ELSE YOU WANT TO ASK HIM?

Q (BY MR. MUCH) WHILE THESE EXHIBITS ARE BEING MARKED, I'LL ASK YOU THIS, AT THE TIME THAT YOU MADE THE EXCHANGE OF LUGGAGE, DID TOMMY HAVE, WHAT KIND OF LUGGAGE OR CLOTHES OR SUITS DID HE HAVE TO LOAD IN THE CAR?

A I DON'T REALLY KNOW BECAUSE LIKE, THEY WERE ALL MIXED TOGETHER, I MEAN, THERE WAS ABOUT THREE OR FOUR CASES AND A BUNCH OF CLOTHES TOGETHER.

Q PARTIALLY LYNDA'S, AND PARTIALLY TOMMY'S?

A YES, SO I DON'T KNOW WHICH.

Q SOME OF THEM WERE IN SUITCASES?

A YES.

Q SOME OF IT ON HANGERS?

A YES, THEY HAD ALL THEIR CLOTHES ON HANGERS, ALL THEIR

CLOTHES AND THEY HAD A COUPLE OF HANDBAGS.

Q ALL RIGHT. WHERE DID YOU PUT THE CLOTHES ON THE HANGERS?

A I PUT THEM ON THE RACK IN THE BACK SEAT.

Q ALL RIGHT. WHERE DID YOU PUT THE LUGGAGE?

A IN THE BACK SEAT, PART OF IT ON THE FLOOR IN THE BACK AND PART OF IT IN THE BACK SEAT.

Q ALL RIGHT, AND AS YOU STARTED OUT, WHERE WERE YOU SEATED? WHERE WAS LYNDA?

A LYNDA WAS ON THE RIGHT-HAND SIDE OF THE BACK SEAT.

Q AND THIS LUGGAGE?

A TOMMY WAS ON THE RIGHT-HAND SIDE IN THE FRONT SEAT AND I WAS DRIVING.

Q AND THE LUGGAGE OCCUPIED, IF I UNDERSTAND YOU CORRECTLY, THE BALANCE OF THE BACK SEAT?

A YES, SIR.

Q MOST OF IT?

A YES, SIR.

Q ALL RIGHT. ABOUT HOW MUCH LUGGAGE DID LYNDA HAVE, DID SHE HAVE A LOT OF DRESSES OR COATS OR SOMETHING -LIKE THAT?

A SHE HAD SOME, YOU KNOW, REAL, REAL NICE CLOTHES, AND SOME REAL NICE LUGGAGE, SHE WAS, AND SO DID TOMMY. THEY HAD SOME NICE CLOTHES, DIDN'T HAVE NO RAGS , I MEAN, YOU KNOW, AS NICE AS ANYTHING I HAD.

THE CLERK: DEFENDANT'S EXHIBITS 11, 12 AND 13.

Q (BY MR. MUCH) YOU SAID YOU GOT GAS IN HOUSTON BEFORE YOU LEFT.

I SHOW YOU DEFENDANT'S EXHIBIT 11 AND ASK YOU WHETHER OR NOT THAT IS THE GAS TICKET FOR THE GAS YOU GOT.

A YES, IT IS.

MR. MUCH: I OFFER IT IN EVIDENCE.

MR. APPLEWHITE: MAY I LOOK AT IT, PLEASE?

YOUR HONOR, MAY I TAKE THE WITNESS ON VOIR DIRE JUST A MINUTE AND ASK HIM A COUPLE OF QUESTIONS?

THE COURT: YES.

VOIR DIRE EXAMINATION

BY MR. APPLEWHITE:

Q DO YOU DEAL AT THIS PLACE WHERE YOU BOUGHT THIS GAS FREQUENTLY?

A NO.

Q DID THE MAN THAT SOLD YOU THE GAS GIVE YOU A COPY OF THE ORIGINAL RECEIPT?

A THAT'S THE ONLY THING HE GAVE ME RIGHT THERE (INDICATING).

Q DID HE KEEP THE ORIGINAL?

A I DON'T KNOW, SIR.

Q DID YOU PAY FOR THIS?

A YES. IT'S A CASH RECEIPT.

Q HE GAVE YOU A CASH RECEIPT?

A YES, I ALWAYS GET A CASH RECEIPT.

Q DO YOU KNOW IF THE MAN WHERE YOU BOUGHT THE GAS MADE A COPY OF THIS CASH RECEIPT?

A I DON'T KNOW, SIR. I JUST WAS SITTING IN THE CAR AND HE TOLD ME IT WAS FOUR DOLLARS AND I HANDED HIM THE MONEY AND HE BOUGHT ME MY CHANGE AND I PROBABLY GAVE HIM A FIVE OR TEN, I DON'T KNOW WHICH, AND I TOLD HIM, "I NEED A CASH RECEIPT." I ALWAYS DO THAT.

Q THIS IS THE PLACE AT 3015 ELGIN?

A YES, SIR.

MR. APPLEWHITE: I'LL OBJECT TO THIS AS BEING IMMATERIAL, YOUR HONOR.

I HAVE NO OTHER OBJECTION.

THE COURT: OVERRULED, ADMITTED IN EVIDENCE.

Q (BY MR. MUCH) I HAND YOU EXHIBITS 13, AND, CORRECTION, 12 AND 13, AND ASK YOU WHERE YOU WENT WHEN YOU STARTED OUT ON THE EVENING OF THE 18TH, WHAT CITY, OR ROUTE, DID YOU GO?

A I WENT THROUGH LUFKIN UP TO TEXARKANA.

Q DID YOU STOP IN TEXARKANA?

A YES, SIR.

Q DID YOU MAKE ANY PURCHASES THERE?

A YES, SIR.

Q WHAT?

A I BOUGHT GAS IN TEXARKANA.

Q DID YOU GET ANY FOOD THERE?

A YES, WE BOUGHT SOME, I DON'T KNOW EXACTLY WHAT WE ATE, WE JUST HAD, YOU KNOW, ATE PRETTY LIGHTLY, YOU KNOW.

Q YOU HAD SOMETHING TO EAT, IS THAT WHAT YOU'RE SAYING?

A YES, SIR.

Q DO YOU KNOW WHERE YOU HAD IT?

A YES, SIR.

Q TELL ME THE NAME OF THE PLACE.

A PANCAKE HOUSE, AT THE PANCAKE HOUSE.

Q PANCAKE HOUSE?

A YES, SIR.

Q ARE THOSE DEFENDANTS' EXHIBITS 12 AND 13 RECEIPTS THAT YOU GOT FOR THOSE PURCHASES?

A YES, SIR.

Q FOR CASH?

A YES, SIR.

THE CLERK: DEFENDANTS' EXHIBITS 14, 15, 16 AND 17.

MR. APPLEWHITE: YOUR HONOR, WE HAVE NO OBJECTION TO THESE OTHER THAN THEY

ARE IMMATERIAL TO THIS CASE.

NOW, WHAT NUMBER IS THIS ONE HERE, DO YOU KNOW?

MR. MUCH: PANCAKE HOUSE IS 12, IF I MARKED MY LIST RIGHT.

THIS HAS TO DO WITH A CREDIT CARD.

WELL, THE ONE THAT IS 12 IS A TEXARKANA GAS TICKET.

MR. APPLEWHITE: IS THAT YOUR NUMBER THERE?

MR. MUCH: I READ A 13, TOO. 12 IS THE PANCAKE HOUSE.

THE COURT: HURRY ALONG, GENTLEMEN.

MR. MUCH: IF I HAVE NOT OFFERED THEM, I OFFER 11, 12 AND 13, DEFENDANTS' EXHIBITS IN EVIDENCE.

THE COURT: ADMITTED IN EVIDENCE.

Q (BY MR. MUCH) NOW, FROM TEXARKANA, I SHOW YOU EXHIBITS 14, 15, 16, AND ASK YOU WHAT ROUTE YOU TOOK TO GET TO NASHVILLE.

A I STOPPED IN, I STOPPED IN LITTLE ROCK AND MEMPHIS AND WAVERLY, TENNESSEE.

Q DID YOU MAKE ANY PURCHASES THERE?

A YES, GASOLINE.

Q DID YOU GET ANY CASH TICKETS FOR THEM?

A YES, SIR.

Q ARE THOSE EXHIBITS 14, 15, 16, THE TICKETS?

A YES, SIR.

Q I MEAN, THE RECEIPTS?

A YES, SIR.

Q I WILL SHOW THEM TO COUNSEL, THEN, OFFER THEM IN EVIDENCE.

MR. APPLEWHITE: SAME OBJECTION, IMMATERIAL TO THIS CASE, YOUR HONOR.

THE COURT: OVERRULED.

ADMITTED IN EVIDENCE.

THE CLERK: DEFENDANTS' EXHIBITS 18, 19, 20, 21.

MR. MUCH: THANK YOU, SIR.

Q (BY MR. MUCH) NOW, AT THE TIME YOU STARTED OUT ON THE TRIP, DID YOU HAVE ANY CONVERSATION WITH TOMMY OR LYNDA OR BOTH OF THEM AFTER THEY WERE IN THE CAR WITH YOU, AND, IF SO, WHAT WAS IT ABOUT?

A WELL, WE WAS ALL JUST GENERALLY TALKING HOW HAPPY WE WERE WE WAS GOING TO BE, YOU KNOW, ABLE TO GO TO THIS CONVENTION, AND LYNDA SEEMS LIKE SHE WAS REAL THRILLED AND TOMMY WAS TELLING HER ABOUT WHAT BIG STARS SHE WOULD GET TO SEE THERE AND JUST GENERALLY TALKING ABOUT HOW EXCITING IT WAS GOING TO BE, MOSTLY MAINLY COVERSATION ABOUT THAT.

Q DID YOU HAVE ANY CONVERSATION ABOUT THE RELATIONSHIP OF TOMMY AND LYNDA?

A YES, SIR.

Q WHAT WAS IT? WHAT DID SHE TELL YOU OR WHAT DID THEY SAY TO EACH OTHER?

A WELL, TOMMY AND LYNDA WAS TALKING ABOUT THEY SURE WISHED IT WAS THEIR HONEYMOON, THEY WOULD BE REAL HAPPY IF THEY WERE GOING ON THEIR HONEYMOON AT THIS TIME AND THEY SAID IT WOULD BE ONLY ONE EXCEPTION AND MR. BERGEN SAID, "WE JUST CAN'T HAVE YOU ALONG, CHARLIE."

AND I SAID, "WELL, I CAN UNDERSTAND IT." AND IT WAS JUST PART OF THE CONVERSATION.

Q DID YOU HAVE ANY DISCUSSION ABOUT HER AGE?

A YES.

Q WHAT WAS IT?

A I ASKED TOMMY, THIS WAS A LOT EARLIER, YOU KNOW, LIKE WHEN SHE GOT IN THE CAR, I SAID, "HOW OLD IS LYNDA?"

AND HE SAYS, "SHE'S NINETEEN."

AND I TURNED TO LYNDA AND SAID, "IS THAT RIGHT?"

AND SHE SAYS, "I'M NOT YET; I WILL BE NINETEEN." AND SHE NAMED THE DATE. I DON'T EXACTLY KNOW THE DATE, BUT SHE DID SAY SHE WOULD BE NINETEEN PRETTY SOON, OR SOMETHING.

Q NOW, YOU HAVE HEARD LYNDA SAY SOMETHING ABOUT A RAPE

BY YOU OF LYNDA?

A YES, SIR.

Q DO YOU RECALL ON OCCASION OR CAN YOU TELL ME WHAT HAPPENED AFTER YOU LEFT HOUSTON WITH REFERENCE TO ANY SUCH OCCASION AND WHAT HAD HAPPENED, IF IT DID, AND WHEN IT HAPPENED, AND SO ON?

A WELL, WE HAD DROVE BACK, I GUESS, PRETTY CLOSE TO TOMBALL, BETWEEN TOMBALL AND LUFKIN AND TOMMY KEPT WANTING TO DRIVE THE CAR, YOU KNOW, AND SO, I ASKED TOMMY IF HE WANTED TO DRIVE THE CAR AND HE SAID, "YEAH." AND SO, WE STOPPED THE CAR AND I STARTED TO GET IN THE BACK SEAT, AND LYNDA STARTED, YOU KNOW, JUST RAISING HELL THAT SHE DIDN'T WANT TO GET UP FRONT, AND SO, WE KIND OF HAD AN ARGUMENT, AND THAT WAS ALL THERE WAS TO IT.

I DIDN'T TRY TO RAPE THE GIRL, THOUGH.

Q WAS SHE PROTESTING BECAUSE IF YOU GOT IN THE BACK SEAT SHE WOULD HAVE TO GET IN THE FRONT SEAT, IS THAT WHAT YOU SAID?

A YES, SHE SAID IT WAS COMFORTABLE BACK THERE AND SHE WANTED TO SLEEP, AND, OF COURSE, WE WAS DRINKING A LITTLE BIT, I WASN'T DRINKING OR DRUNK OR NOTHING LIKE THAT, BUT I HAD HAD A COUPLE OF DRINKS, YOU KNOW.

Q WAS IT FROM THIS BOTTLE THAT LYNDA MENTIONED?

A YES, SIR.

Q WHAT ABOUT LYNDA, HAD SHE HAD SOME DRINKS?

A I DON'T KNOW. MOST OF THE TIME I WAS DRIVING, YOU KNOW, AND I DON'T REALLY KNOW IF SHE HAD HAD A DRINK OR NOT, UNLESS TOMMY, YOU KNOW, WE STOPPED AND GOT SOME CRACKERS AND SOME COOKIES AND PEANUTS AND SODA WATERS AND I THINK TOMMY DID MIX A DRINK WITH THAT. I'M NOT SURE.

Q ALL RIGHT. BUT IF I UNDERSTAND YOU CORRECTLY, YOU STARTED GETTING IN THE BACK SEAT, DID YOU HAVE ANY CONVERSATION WITH HER ABOUT WHAT PART OF THE CAR WAS HERS?

A WELL, YES, YOU KNOW, I TRIED TO GET HER TO GO ON AND SET UP IN THE FRONT SEAT AND SHE WAS SLEEPING OR DONE WENT TO SLEEP OR SOMETHING AND SHE JUST CUSSED ME LIKE, YOU KNOW, SAY, WELL, YOU -- WELL, I WON'T SAY IT, BUT, "YOU'RE GOING TO SIT UP FRONT WITH TOMMY."

AND I SAID, "WELL, OKAY." YOU KNOW --

Q DID TOMMY SAY ANYTHING TO YOU ABOUT IT?

A TOMMY SAID, "LET HER HAVE THE BACK SEAT."

AND I SAID, "ALL RIGHT."

Q DID YOU THEN RETURN TO THE FRONT SEAT?

A YES, SIR.

Q APART FROM THAT, DID YOU HAVE ANY ALTERCATIONS WITH LYNDA ON THE WAY UP?

A NO, WE STOPPED ABOUT AN HOUR LATER AND ATE AT THIS --

OR AN HOUR AND A HALF, SOMETHING LIKE THAT.

Q THAT WAS BEFORE YOU LEFT TEXAS?

A YEAH, TEXARKANA. IT'S BETWEEN TEXAS AND ARKANSAS, IT'S RIGHT ON THE BORDER.

Q NOW, YOU DROVE RIGHT STRAIGHT THROUGH EXCEPT FOR GASOLINE AND BITE TO EAT STOPS?

A YES, SIR.

Q AND ABOUT WHAT TIME, IF YOU RECALL, DID YOU ARRIVE AT NASHVILLE?

A IT WAS ABOUT NOON THE NEXT DAY, RIGHT AROUND NOON.

Q WOULD IT HAVE BEEN THE 19TH, ON A TUESDAY?

A YES, SIR.

Q AND WHERE DID YOU GO WHEN YOU ARRIVED IN NASHVILLE?

A GOT OUT OF THE CAR.

Q FIRST, WHERE DID YOU GO?

A TO THE CAPITOL PARK INN GARAGE.

Q ALL RIGHT. WHAT DID YOU DO WHEN YOU GOT THERE?

A I GOT OUT OF THE CAR AND TOLD TOMMY AND LYNDA TO WAIT AND I WENT TO TRY TO FIND HUEY AND I WENT AND FOUND HUEY TO FIND OUT WHERE WE WAS SUPPOSED TO GO AND WHAT WE WERE SUPPOSED TO DO, SO, HUEY TOOK ME UP FRONT TO THE FRONT OFFICE AND GAVE ME A KEY TO MY ROOM AND GOT ANOTHER KEY, AND SO, HE COME BACK DOWN WITH ME AND I GOT MY BAGGAGE AND MY KEY AND, THEN, WE ALL WENT AROUND, KIND OF, THE GARAGE IS IN THE BASEMENT AND

THERE IS AN ELEVATOR THERE AND WE WERE STARTING TO GO IN THE ELEVATOR AND MR. RUSS REGAN WALKED UP. HE HAD JUST GOTTEN IN.

Q IS THAT THE GENTLEMAN THAT CAME IN THE COURTROOM YESTERDAY MORNING THAT LYNDA IDENTIFIED?

A YES, SIR.

Q HE CAME UP, AND WHAT HAPPENED, WHAT DISCUSSION TOOK PLACE?

A AND I SAID, "HELLO, MR. REGAN." AND I HAD KNOWN MR. REGAN FROM THE MIAMI CONVENTION IN MIAMI, FLORIDA THE YEAR BEFORE AND I INTRODUCED HIM TO HUEY AND HE ALREADY KNEW HUEY AND SO, THEN, WE INTRODUCED TOMMY AND LYNDA, AND THEN, WE ALL WENT TO OUR ROOMS.

Q DID YOU IDENTIFY LYNDA AS BELONGING TO ANYBODY WHEN YOU TALKED --

A YES, I TOLD HIM SHE WAS TOMMY BERGEN'S GIRL FRIEND.

Q IN THE COURSE OF YOUR DRIVE UP THERE, WAS THERE ANY DISCUSSION ABOUT WHETHER OR NOT TOMMY AND LYNDA WERE PLANNING TO GET MARRIED OR WERE ENGAGED OR ANY LANGUAGE OR DISCUSSION OF THAT KIND?

A YES, THERE WAS, I MEAN, TOMMY SEEMED LIKE THAT THEY WERE VERY MUCH IN LOVE TO ME.

Q MY QUESTION WAS, WAS THERE ANY DISCUSSION ABOUT THE RELATIONSHIP WHETHER THEY WERE GOING TO GET MARRIED OR WHETHER THEY WERE ENGAGED?

A WHAT TIME WAS THIS?

Q ANY TIME UP TO THE TIME YOU GOT TO NASHVILLE.

A THE ONLY TIME THAT I EVER HEARD THEM SAY ANYTHING ABOUT BEING ENGAGED WAS ON THE TRIP TO NASHVILLE.

Q YES, AND WHAT WAS IT HE SAID?

A HE SAID THAT SHE WAS PRETTY MUCH IN LOVE WITH HIM AND LYNDA DIDN'T TOO MUCH RESPOND GREATLY TO IT, OR I DON'T KNOW, YOU KNOW, IT DIDN'T SEEM LIKE -- LIKE THAT SHE WAS REALLY MADLY IN LOVE WITH HIM, BUT, AT THE SAME TIME, SHE WAS REAL FRIENDLY AND NICE TO HIM.

Q MR. BOOTH, THE QUESTION I ASKED YOU WAS WHETHER OR NOT THERE WAS ANY DISCUSSION BY EITHER OF THEM ABOUT WHETHER OR NOT THEY PLANNED TO BE MARRIED, THAT'S ALL I'M ASKING.

A TOMMY SAID HE WISHED IT WAS -- I'M SORRY, TOMMY BERGEN SAID HE WISHED IT WAS THEIR HONEYMOON, OR WISHED THEY WERE GOING ON THEIR HONEYMOON, AND, OF COURSE, I COULDN'T BE THERE IF THEY WERE.

Q DID THEY EVER SAY WHETHER THEY WERE ENGAGED, THAT'S WHAT I'M TRYING TO ASK YOU.

A WELL, THIS LYNDA HAD A RING ON HER FINGER.

Q DID SHE SAY ANYTHING ABOUT WHETHER IT WAS AN ENGAGEMENT RING?

A YES, IT WAS AN ENGAGEMENT RING FROM TOMMY.

Q DID SHE SAY WHO SHE GOT IT FROM?

A YES.

Q WHO?

A TOMMY BERGEN.

Q NOW, DID YOU HEAR OR HAVE ANY DISCUSSIONS WITH LYNDA AT WHICH SHE SAID SHE ATTENDED SOME COLLEGE OR UNIVERSITY?

A YES, SIR.

MR. APPLEWHITE: YOUR HONOR, I OBJECT AGAIN TO COUNSEL LEADING. IF HE WANTS TO TAKE THE STAND, HE CAN TAKE IT AND TESTIFY, BUT I WOULD LIKE FOR THIS WITNESS TO TESTIFY ON HIS OWN BEHALF.

THE COURT: ALL RIGHT. DON'T LEAD THE WITNESS AND DON'T REPEAT.

Q (BY MR. MUCH) WHAT WAS THE NATURE OF THOSE DISCUSSIONS, IF ANY?

A MISS LYNDA ELLIS SAID SHE WAS GOING TO THE UNIVERSITY OF HOUSTON AND THAT SHE WAS IN HER SECOND YEAR IN COLLEGE.

Q ALL RIGHT. DID TOMMY SAY ANYTHING ABOUT IT?

A YES.

Q WHAT?

A I ASKED HIM, I SAYS, "IS THAT RIGHT?"

AND TOMMY SAYS, "THAT'S RIGHT, MAN, SHE'S SMART."

AND I SAID, WELL, BUT I DON'T REMEMBER THE EXACT CONVERSATION.

Q ALL RIGHT. NOW, WHEN YOU ARRIVED AT NASHVILLE AND WERE ASSIGNED A ROOM, DID YOU OCCUPY IT WITH ANYBODY ELSE?

A YES, SIR.

Q WHO?

A TOMMY BERGEN.

Q AND, IF YOU KNOW, WHERE WAS LYNDA?

A I DON'T KNOW, SIR.

Q DO YOU KNOW WHETHER OR NOT SHE GOT A ROOM OF HER OWN?

A I DON'T KNOW. I DON'T KNOW WHERE HER ROOM WAS, OR I NEVER WAS IN IT.

Q ALL RIGHT. DO YOU KNOW WHETHER OR NOT SHE EVER CAME TO THE ROOM WHERE YOU AND TOMMY WERE AT ANY TIME?

A NO, SHE NEVER CAME TO MY ROOM THAT I KNOW OF.

Q DO YOU KNOW WHERE HUEY MEAUX'S ROOM WAS?

A YES, SIR.

Q WHERE?

A IT WAS DOWNSTAIRS AND ON THE OTHER SIDE OF THE CAPITOL PARK, THE SIDE OF THE BUILDING.

Q ALL RIGHT, SIR. AND WAS THAT ROOM USED SOLELY FOR SLEEPING DURING THE CONVENTION OR WAS IT USED --

A NO, IT WAS HOSPITALITY AND LIVING QUARTERS, KIND OF LIKE A SUITE, LIKE.

Q WERE YOU IN THAT ROOM A NUMBER OF TIMES, AND, IF SO,

ON WHICH DAYS?

A WELL, I PRACTICALLY, YOU KNOW, I PRACTICALLY LIVED OVER THERE, BECAUSE THERE WAS ALWAYS SOMEBODY, YOU KNOW, DRINKING AND TALKING AND PLAYING TAPES AND DIFFERENT BIG RECORD EXECUTIVES COME IN THERE AND DISK JOCKEYS AND SUCH AS THAT, AND IT WAS A PRETTY LIVELY PLACE AND OUTSIDE OF THAT, I WAS, I WENT TO THE --

Q NO, I'M JUST ASKING YOU WHAT YOU DID IN THAT ROOM?

A WHAT I DID IN THE ROOM?

Q YES.

A WELL, I SERVED DRINKS AND TALKED TO DISK JOCKEYS AND RECORD COMPANY EXECUTIVES AND PLAYED TAPES AND GENERALLY WAITED ON THEM, YOU KNOW.

Q WAS THAT THROUGHOUT THE CONVENTION, OFF AND ON?

A OFF AND ON, YES.

Q DID LYNDA EVER COME TO THAT ROOM WHEN YOU WERE THERE?

A NOT THAT I KNOW OF, NOT WHEN I WAS THERE.

Q TOMMY BERGEN EVER THERE?

A TOMMY CAME TWO OR THREE TIMES WHILE I WAS THERE, YES.

Q NOW, FROM THE TIME THAT YOU ARRIVED AND WENT TO YOUR ROOM ON TUESDAY, AS I UNDERSTAND IT, IT WAS IN THE AFTERNOON TUESDAY, IS THAT RIGHT?

A YES, SIR.

Q UNTIL YOU LEFT NASHVILLE, WHAT OTHER CONVERSATIONS

DID YOU HAVE WITH LYNDA ELLIS OR LYNDA PUCKETT?

A I NEVER HAD ANY CONVERSATION WITH HER WHATSOEVER FROM THE TIME I WAS THERE UNTIL THE TIME I LEFT.

Q DID YOU EVER SEE HER IN ANY PART OF THE MOTEL OR THE PUBLIC ROOMS OR RESTAURANTS OR ANYTHING LIKE THAT?

A I SEEN HER ON THE SECOND DAY IN THE MORNING WHEN I CAME DOWN TO EAT IN THE RESTAURANT AND SHE WAS AT A TABLE WITH MR. STEVE TYRELL HAVING BREAKFAST.

Q DID YOU JOIN THEM?

A NO, I JUST NODDED AND WENT OVER AND ATE WITH -- ATE WITH MR. FRANK MANCINI, WHO IS THE PRESIDENT OF M.G.M. RECORDS.

Q APART FROM NODDING TO THEM OR EXCHANGING GREETINGS TO THEM ON THAT OCCASION, DID YOU HAVE ANY CONVERSATIONS WITH LYNDA OR WITH THE MAN THAT SHE WAS EATING WITH?

A NO, SIR.

Q YOU HAVE HEARD TESTIMONY BY LYNDA ABOUT A DINNER PARTY GIVEN ON WEDNESDAY NIGHT, WHICH WOULD BE THE 20TH?

A YES, SIR.

Q WERE YOU THERE?

A NO, SIR.

Q NOW, AT ANY TIME ON THE DAY YOU FIRST MET LYNDA ELLIS OR LYNDA PUCKETT UNTIL YOU LEFT NASHVILLE, DID YOU EVER DISCUSS AT ANY TIME WITH HER ENTERING INTO PROSTITUTION OR DID YOU HEAR ANYBODY ELSE DO SO?

A NO, SIR.

Q AT ANY TIME, UP UNTIL THE TIME YOU LEFT NASHVILLE?

A NO, SIR.

Q DID YOU EVER HEAR HER DISCUSS, OR DID YOU EVER HEAR ANYBODY ELSE DISCUSS WITH HER SEXUAL INTIMACIES THAT SHE MIGHT HAVE WITH ONE OR MORE PEOPLE?

A NO, SIR.

Q ON THE TRIP UP, DID YOU EVER DIRECT OR INSTRUCT OR EXPLAIN TO HER IN ANY WAY WHAT HER ACTIVITIES WERE TO BE WHEN SHE GOT THERE?

A NO, SIR.

Q NOW, YOU HEARD LYNDA RELATE SOME INCIDENTS INVOLVING A PISTOL WITHIN THE CAR, YOUR CAR, THAT SHE DESCRIBED AS A FAIRLANE, DIDN'T SHE?

A NO, I DON'T KNOW. I HAVE A, I HAD A 1965 CHEVROLET SUPER SPORT.

Q IS THAT THE CAR YOU WERE IN AT THE TIME?

A YES, SIR.

Q AND THERE WAS SOME KIND OF A PISTOL UNDER THE SEAT, ACCORDING TO HER.

DO YOU RECALL ANY INCIDENTS EN ROUTE, GOING UP TO NASHVILLE?

A IT WASN'T UNDER THE SEAT. IT WAS A BLANK. IT WAS ONE OF THESE BLANK PISTOLS THAT MAKES NOISE WHEN YOU SHOOT THEM AND IT BELONGS TO MY BROTHER'S LITTLE BOY

AND HE HAD BEEN RIDING IN THE CAR THAT SUNDAY WHEN I WENT OVER THERE, AND IT WAS IN, YOU KNOW, LIKE WHEN YOU LIFT THE SEAT UP TO GET INTO THE CAR, IT HAD GOTTEN DOWN IN THERE, AND THIS MAN AT THE SERVICE STATION SAYS, "IS THAT A PISTOL?"

AND I SAID, "NO."

AND I SAID, "IT'S JUST A BLANK PISTOL, A TOY."

AND, OF COURSE, TOMMY LOOKED REAL FUNNY, AND SO --

Q ALL RIGHT. DID YOU AND TOMMY HAVE A DISCUSSION ABOUT IT?

A YES, WE, AFTER WE LEFT THE SERVICE STATION, TOMMY SAYS, "NOW, THAT MAN MIGHT THINK THAT'S A PISTOL AND TELL THE LAW ON US."

Q YES?

A OR SOMETHING TO THAT, I DON'T KNOW EXACTLY THE WORDS, BUT SOMETHING TO THAT EFFECT.

Q DID HE TELL YOU WHY HE WAS CONCERNED?

A WELL, HE SAID IT WOULD COST HIM A HUNDRED DOLLARS IF HE GOT CAUGHT DRINKING.

Q DRINKING?

A YES, A HUNDRED DOLLAR FINE, SOMETHING LIKE THAT.

Q YOU'RE SAYING THAT HE WAS AFRAID HE WOULD BE STOPPED?

A YES, IF THEY WERE STOPPED.

Q BECAUSE OF THE GUN?
A YES, SIR.
Q BUT THAT HE WOULD BE FOUND DRINKING?
A YES, SIR.
Q HOW OLD WAS TOMMY AT THAT TIME, AND DID HE DISCUSS THAT POINT --
A I DON'T KNOW. I NEVER DID KNOW EXACTLY HOW OLD TOMMY WAS. I FIGURED HE WAS AROUND TWENTY OR TWENTY-ONE, MYSELF, YOU KNOW.
Q BUT, DID HE SAY ANYTHING ABOUT HIS AGE WHICH MIGHT IN SOME WAY AFFECT THIS SEARCH?
A HE SAID HE WASN'T TWENTY-ONE.
Q ALL RIGHT. DID HE SAY ANYTHING ABOUT THAT HAVING ANY-THING TO DO WITH HIS FEAR OF BEING SEARCHED?
A YES, SIR.

MR. APPLEWHITE: OBJECT TO LEADING. COUNSEL IS JUST PUTTING WORDS IN THE MOUTH OF THE WITNESS.

THE COURT: DON'T LEAD.

Q (BY MR. MUCH) JUST GIVE US THE WHOLE CONVERSATION OVER THE GUN AND CONCERNING THE SEARCH AND HIS AGE, AND SO ON.
A WELL, I TOLD HIM I DIDN'T THINK WE HAD ANYTHING TO WORRY ABOUT AND HE SEEMED LIKE HE WAS PRETTY UPSET AND I SAID, "WELL, MAN, WE'LL JUST THROW THE WHISKEY

OUT THE WINDOW." I SAYS, "IT AIN'T ALL THAT...", YOU KNOW, AND SO HE THREW THE WHISKEY OUT THE WINDOW AND WE WENT ON.

Q AT THAT TIME, DID YOU THROW ANY PILLS OR SOMETHING IN A BOX OR SOMETHING IN A BOTTLE OUT?

A NO.

Q LIKE CAPSULES?

A NO, I CERTAINLY DIDN'T.

Q YOU HEARD LYNDA SAY THAT YOU WERE TAKING PILLS; CAN YOU TELL ME WHAT KIND OF PILLS OR CAPSULES YOU TOOK, IF ANY?

A NOTHING EXCEPT I TAKE VITAMINS AND I KNOW THAT TWO OR THREE TIMES A DAY I TAKE VITAMINS, I TAKE WEIGHT THINGS, APPETITE APPEASERS, YOU KNOW.

Q WERE YOU DOING THAT IN OCTOBER OF 1965?

A YES, SEE, I WAS A LOT FATTER THAN I AM NOW. I HAVE LOST SOME WEIGHT SINCE THEN.

Q AND DID THE PILL HAVE ANYTHING TO DO WITH YOUR WEIGHT?

A YES, SIR.

Q WHERE DID YOU GET THEM?

A I GOT THEM FROM MY MOTHER.

Q DID YOU EVER, AT ANY TIME, WHILE YOU WERE IN NASHVILLE, OR FIRST, YOU DO KNOW MR. PETE GARRIS, DON'T YOU?

A YES, SIR.

Q YOU DO KNOW MR. STEVE TYRELL?

A YES, SIR.

Q DID YOU HAVE ANY CONVERSATION WITH EITHER OF THOSE GENTLEMEN OR WITH MR. MEAUX OR MR. BERGEN, TOMMY BERGEN ABOUT LYNDA'S ACTIVITIES WITH REFERENCE TO EITHER PROSTITUTION OR SEXUAL INTIMACIES WITH ANYBODY?

A NO, NOT IN REGARD TO PROSTITUTION.

Q ALL RIGHT. PRIOR TO THE TIME THAT YOU LEFT ON THE TRIP, HAD YOU HAD ANY CONVERSATION WITH ANYBODY ABOUT LYNDA'S SEXUAL ACTIVITIES OR PROSPECTIVE SEXUAL ACTIVITIES?

A THE ONLY THING THAT WAS SAID, I WAS SLEEPING AND TOMMY BERGEN CAME IN AND --

Q ARE YOU TALKING ABOUT -- WHERE WAS THIS, NOW?

A IT WAS IN THE ROOM, IN MY ROOM.

Q WHERE WAS THE ROOM?

A IT WAS --

Q WHAT CITY WERE YOU IN?

A NASHVILLE, TENNESSEE.

Q ALL RIGHT. GO AHEAD.

WHAT DID TOMMY BERGEN SAY IN THE ROOM TO YOU?

A HE CAME IN THERE AND HE WAS MAD AT STEVE TYRELL AND HE SAID, "I CAN'T GO ANYWHERE AND DO ANYTHING WITH MY GIRL." OR SOMETHING LIKE THAT, AND HE WAS REAL MAD

ABOUT IT AND HE WAS CUSSING STEVE TYRELL OUT AND EVERYTHING AND THAT IS, I DON'T REMEMBER WHAT IT WAS, GENERALLY ABOUT, OR NOTHING, BUT THAT WAS THE ONLY TIME THAT I --

Q APART FROM HIS DISPLEASURE AT STEVE TYRELL AND LYNDA, DO YOU RECALL AT ANY TIME PRIOR TO THE TIME THAT YOU LEFT NASHVILLE A DISCUSSION WITH ANYBODY OR DISCUSSIONS THAT TOOK PLACE IN YOUR PRESENCE ABOUT LYNDA BEING EITHER A PROSTITUTE OR ENGAGING IN PROSTITUTION OR ENGAGING IN SEXUAL PRACTICES OF ANY KIND?

A NO, I NEVER SEEN LYNDA BUT ONE TIME DURING THE WHOLE PERIOD, SO THERE NEVER WAS NOTHING TO TALK ABOUT.

Q I'M NOT ASKING ABOUT YOUR SEEING HER, I'M ASKING ABOUT ANY DISCUSSION YOU TOOK PART IN, OR HEARD?

A NO, SIR.

Q NOW, YOU STARTED BACK, TELL ME WHEN YOU STARTED BACK FROM NASHVILLE IN OCTOBER OF 1965?

A IT WAS ABOUT 11:00 OR 12:00 O'CLOCK ON FRIDAY NIGHT.

Q ALL RIGHT.

A SOMEWHERE IN THERE.

Q CAN YOU TELL ME WHAT YOU DID IMMEDIATELY PRIOR TO STARTING BACK, IN OTHER WORDS, HOW DID YOU GET LYNDA AND TOMMY AND GET THEM TOGETHER AND GET THEM IN THE CAR TO LEAVE?

A WELL, I WENT AND TOLD HUEY THAT, YOU KNOW, I WAS TIRED,

AND, YOU KNOW, THE CONVENTION WAS COMING TO A HALT AND I WAS TIRED AND I WOULD LIKE TO GO BACK THAT MORNING INSTEAD OF WAITING UNTIL THE NEXT DAY.

Q ALL RIGHT.

A AND HE SAID, "WELL, THAT'S FINE."

AND, SO, I SAYS, "WELL, ME AND TOMMY IS GOING TO GO ON BACK."

AND HUEY SAID, "WELL, YOU ALL ARE GOING TO HAVE TO TAKE LYNDA BACK WITH YOU."

AND TOMMY SAID HE DIDN'T WANT LYNDA TO GO BACK WITH US.

Q DID HE SAY WHY?

A HE WAS MAD AT HER.

Q DID HE SAY WHY HE WAS MAD AT HER?

A NO, HE DIDN'T SAY WHY HE WAS MAD AT HER.

Q BY THE WAY, DID TOMMY EVER TELL YOU ANYTHING ABOUT LYNDA MOVING FROM ONE ROOM TO ANOTHER OR WHERE SHE WAS?

A NO, I WAS NEVER AROUND, THE ONLY TIME, YOU KNOW, TOMMY WAS GONE MOST OF THE TIME FROM THE ROOM, I GUESS NINETY PERCENT OF THE TIME.

Q ALL RIGHT, AND SO, ANYWAY, YOU SAID YOU WERE STARTING BACK, AND THEN, WHAT HAPPENED?

A MR. MEAUX SAYS, "YOU ALL GO AHEAD AND PACK YOUR THINGS."

AND SO WE TOOK OUR CLOTHES OUT TO THE CAR,

AND EVERYTHING, AND HE WAS BUSY WITH A CONFERENCE RIGHT THEN, AND SO, WE WENT DOWN IN THE LOBBY AND WAITED FOR HIM TO COME OUT AND GET US AND ME AND TOMMY WAITED OUT IN THE LOBBY FOR MR. MEAUX AND MR. MEAUX CAME AND GOT US AND WE WENT UP TO UPSTAIRS TO SOME ROOM AND KNOCKED ON --

Q THE THREE OF YOU WENT?

A YES, SIR.

Q ALL RIGHT.

A AND MR. GARRIS OPENED THE DOOR AND --

Q WHICH SIDE OF THE DOOR WAS MR. GARRIS ON?

A HE WAS ON THE INSIDE. WE KNOCKED ON THE DOOR AND HE ANSWERED THE DOOR.

Q ALL RIGHT.

A AND MR. MEAUX ASKED, "IS LYNDA ELLIS HERE?"

AND MR. GARRIS SAID, "YES, SHE IS. SHE'S SLEEPING." AND SO --

Q DID YOU ENTER THE ROOM?

A YES, SIR.

Q WHO ELSE DID?

A MR. MEAUX, MR. MEAUX ENTERED FIRST, AND THEN, WE FOLLOWED AND MR. MEAUX SAID FOR US TO GET OUR CLOTHES, SO, WE STARTED GETTING OUR CLOTHES.

Q AND WAS SHE AWAKE OR ASLEEP AT THAT POINT?

A SHE WAS SLEEPING. SHE HAD JUST COME IN FROM SOMEWHERE

AND JUST LAID DOWN, AND SO, MR. MEAUX SAYS, "LYNDA, TOMMY AND CHARLIE IS GOING TO GO BACK." AND SAYS, "YOU'RE GOING TO HAVE TO LEAVE.'

AND SHE SAYS, "WELL, I DON'T HAVE TO LEAVE BECAUSE I GOT A WAY BACK." AND --

Q AT THIS POINT, YOU SAID SHE HAD LAY DOWN, WAS SHE CLOTHED OR UNCLOTHED?

A SHE WAS CLOTHED, FULLY CLOTHED.

Q IN STREET CLOTHES?

A SHE HAD ON THESE, YOU KNOW, SLACKS, LEOTARDS, AND A KIND OF A SWEATER-LIKE BLOUSE, OR SOMETHING.

Q ALL RIGHT. TELL ME THE CONVERSATION OF WHAT HAPPENED AFTER THAT?

A SHE SAID SHE WASN'T GOING TO GO BACK WITH US AND HUEY ASKED HER WHY AND SHE SAID THAT SHE WAS IN LOVE WITH MR. STEVE TYRELL AND THEY WERE FLYING BACK TO-GETHER.

Q ALL RIGHT. AND WHAT DID, WHAT RESPONSE, IF ANY, DID MR. MEAUX MAKE?

A MR. MEAUX TOLD HER, SAYS, "YOU CAME WITH TOMMY; YOU HAVE GOT TO GO BACK WITH TOMMY."

HE SAYS, "STEVE TYRELL IS NOT EVEN HERE."

SHE SAYS, SHE SAID, "YOU'RE A DAMNED LIAR." YOU KNOW, CALLED HIM A LIAR, AND HE SAID,

"NO, LYNDA, STEVE HAS DONE LEFT." OR SOMETHING TO THAT EFFECT.

Q DID HE TELL HER HOW?

A SOMETHING TO THAT EFFECT, THAT HE HAD DONE LEFT THE CONVENTION AND EVIDENTLY, HE WAS JUST RIBBING HER ABOUT GOING ON THE TRIP BACK WITH HIM OR FLYING BACK WITH HIM, OR SOMETHING.

Q DID MR. MEAUX TELL LYNDA EITHER HOW HE LEFT OR WHERE HE HAD GONE?

A I DON'T KNOW. I JUST REMEMBER HE TOLD HER HE HAD LEFT. HE TOLD US TO PACK THE CLOTHES, AND SO, WE PACKED THE CLOTHES AND MR. MEAUX AND US WENT DOWN AND GOT IN THE CAR.

Q YOU SAY, "WE PACKED THE CLOTHES." WHO IS "WE"? YOU AND WHO ELSE?

A ME AND THOMAS, TOMMY BERGEN.

Q DID MR. MEAUX PACK THEM?

A SIR?

Q MR. MEAUX PACK THEM?

A NO, SIR.

Q ALL RIGHT. DID LYNDA HELP ANY?

A YES, SIR.

Q AND YOU ASSEMBLED THIS LUGGAGE, AND THEN, WHAT DID YOU DO?

A WE TOOK IT DOWN AND PUT IT IN THE CAR.

Q ALL RIGHT, THEN, BY THE WAY, WHERE WAS THIS CAR YOU PUT IT IN WHEN YOU GOT TO IT?

A IT WAS DOWN IN THE GARAGE UNDERNEATH THE HOTEL.

Q AND THIS WAS STILL ON FRIDAY NIGHT?

A YES, FRIDAY AND SATURDAY, I DON'T KNOW EXACTLY THE DATE WE LEFT, I MEAN, I KNOW THE DATE WE LEFT BUT I DON'T KNOW IF IT WAS FRIDAY, THE DATE WE LEFT, OR SATURDAY, THE DATE WE LEFT. IT'S ON OR ABOUT THAT DATE.

Q ALL RIGHT. AFTER SHE GOT IN THE CAR, LYNDA, DID YOU AND TOMMY GET IN THE CAR?

A YES, SIR.

Q AND, AT THAT TIME, WHERE WAS MR. MEAUX?

A HE WAS STANDING ON THE OTHER SIDE OF THE CAR.

Q OTHER SIDE FROM WHOM?

A YES, SIR.

Q FROM WHOM?

A WITH LYNDA AND TOMMY, THE SIDE THEY WERE ON.

Q ALL RIGHT. DID HE GIVE YOU ANY MONEY BEFORE YOU LEFT?

A YES, SIR.

Q ABOUT HOW MUCH?

A TWENTY DOLLARS.

Q DID YOU HAVE ANY CONVERSATION WITH HIM OR DID HE SAY ANYTHING ABOUT GIVING IT TO EITHER LYNDA OR TOMMY?

A NO, HE GAVE IT TO ME.

Q ASSUMING THAT HE WANTED TO GIVE LYNDA OR TOMMY ANY MONEY, WHO WAS CLOSER, YOU, LYNDA OR TOMMY?

A LYNDA AND TOMMY, TOMMY WAS CLOSEST, LYNDA WAS IN THE BACK SEAT.

Q BUT HE BROUGHT THE MONEY AROUND TO YOU?

A YES.

Q AND WHAT DID YOU USE THE TWENTY DOLLARS FOR?

A GAS.

Q ON THE WAY HOME?

A YES, SIR.

Q I NOW SHOW YOU DEFENDANTS' EXHIBIT 17, 18, 19 AND 20 AND 21 AND ASK YOU IF THEY ARE THE SAME KIND OF EXPENSE ACCOUNTS OR CASH RECEIPTS FOR EXPENSES INCURRED ON THE WAY HOME FROM NASHVILLE?

A YES, THEY ARE.

Q WHAT IS THE FIRST EXPENSE ITEM THAT YOU HAD AFTER YOU LEFT NASHVILLE IN OCTOBER OF 1965, OR BEFORE YOU LEFT NASHVILLE?

A WELL, THE FIRST ONE WAS, I FILLED UP RIGHT BEFORE WE LEFT, WHICH WAS THE 17TH.

Q THE 17TH, YOU MEAN EXHIBIT 17, DON'T YOU?

A YES, EXHIBIT 17. I'M SORRY.

Q ALL RIGHT.

A I DON'T KNOW THE DATES ON THEM.

Q AND THAT'S A CASH -- ?

A THIS IS ON THE 23RD RIGHT HERE, IT'S A CASH TICKET, NASHVILLE, TENNESSEE.

EXHIBIT 18 IS, WE STOPPED IN MEMPHIS, TENNESSEE.

Q EXHIBIT WHAT? WHAT DID YOU BUY THERE?

A SIR?

Q WHAT DID YOU BUY THERE?

A GASOLINE.

Q GO AHEAD. WHAT IS THE NEXT ONE.

A AND I THINK, I'M PRETTY SURE WE ATE IN MEMPHIS, TENNESSEE, TOO, AT HOWARD JOHNSON'S. WE STOPPED AND GOT HAMBURGERS, I THINK WE JUST STOPPED AND ATE HAMBURGERS. I DON'T KNOW WHAT WE ATE, BUT WE ATE SOMETHING.

Q ALL RIGHT, SIR. WHAT IS THE NEXT ONE?

A IN HOT SPRINGS WE STOPPED AND GOT GAS AND WE SPENT ABOUT MAYBE FOUR AND A HALF OR FIVE HOURS IN HOT SPRINGS.

Q ALL RIGHT, AND THEN, WHERE WAS THE NEXT EXPENSE ITEM?

A THE NEXT EXPENSE ITEM WAS, I CAN'T EVEN, I CAN'T PRONOUNCE IT, CHANTE, TEXAS, OR WHATEVER --

THE COURT: IS IT TENAHA?

MR. APPLEWHITE: I DIDN'T TIE IT DOWN, YOUR HONOR -- WHAT WAS THE ITEM THAT HE BOUGHT?

THE WITNESS: IT WAS GASOLINE.

MR. MUCH: IS THAT CARTHAGE, TEXAS, IS THAT WHAT YOU'RE TRYING TO READ?

THE WITNESS: YES. I COULDN'T READ IT. IT'S A CARBON COPY.

MR. APPLEWHITE: NO OBJECTION, YOUR HONOR.

MR. MUCH: MAY I PRESENT THESE TO THE JURY?

THE COURT: YES.

MR. MUCH: I HAVE NOT YET HANDED THE OTHERS TO THE JURY WHICH WERE THE EXPENSE ITEMS ON THE TRIP UP AND I'LL PRESENT THEM ALL AT ONE TIME.

THE COURT: ALL RIGHT.

MR. MUCH: BEFORE I DO THAT, I WANT TO ASK YOU WHETHER OR NOT THE LAST EXHIBIT, WHICH IS EXHIBIT NO. 20 WAS A CHARGE INCURRED ON THE 24TH OF OCTOBER?

THE WITNESS: YES, SIR.

Q (BY MR. MUCH) NO, THAT WAS THE ONE AT HOT SPRINGS. THE ONE AT CARTHAGE, TEXAS WAS ALSO ON THE 24TH OF OCTOBER.

A YES, SIR.

Q NOW, YOU HEARD LYNDA SAY THAT YOU, EN ROUTE HOME, OR JUST AS YOU GOT IN THE CAR, OR JUST AFTER YOU GOT IN

THE CAR --

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THE FORM OF THE QUESTION.

THE COURT: YES, SOUNDS LIKE IT'S GOING TO BE VERY LEADING.

MR. MUCH: I REALLY, MAY IT PLEASE THE COURT, I WAS ONLY GOING TO ASK --

THE COURT: I HAVE RULED, COUNSEL. GO AHEAD AND ASK ANOTHER QUESTION.

Q (BY MR. MUCH) YOU HEARD LYNDA SAY SOMETHING ABOUT YOUR HITTING HER ON THE WAY HOME.

MR. APPLEWHITE: I OBJECT TO THE FORM OF THE QUESTION.

THE COURT: ALL RIGHT. REFRAME.

Q (BY MR. MUCH) ALL RIGHT. MR. BOOTH, DID YOU HAVE ANY OCCASION AT ANY TIME DURING WHICH YOU STRUCK OR HIT OR BEAT OR OTHERWISE PHYSICALLY ABUSED LYNDA ELLIS OR LYNDA PUCKETT?

A NO, I SURE DIDN'T.

Q IN NASHVILLE EN ROUTE HOME?

A NO, SIR.

Q CAN YOU DESCRIBE THE INCIDENT THAT SHE WAS TALKING ABOUT AND SAY WHAT ACTUALLY HAPPENED, IN OTHER WORDS, DID YOU HAVE SOME ALTERCATION BETWEEN YOU WHEN SHE GOT IN THE CAR?

A WELL, SHE WAS RAISING SAND WITH TOMMY AND HUEY BUT SHE DIDN'T RAISE NO SAND WITH ME, I MEAN, IT WAS TOMMY AND HUEY'S PROBLEM, NOT MINE.

Q AND DID YOU HAVE, OR WHAT WAS SHE PROTESTING ABOUT OR WHAT WAS SHE RAISING SAND ABOUT?

A HAVING TO GO HOME WITH TOMMY BERGEN.

Q DID SHE SAY ANYTHING ABOUT WHETHER SHE, AT THAT POINT, LIKED YOU OR LIKED TOMMY OR HATED YOU OR WHATEVER, WHAT HER FEELINGS WERE ABOUT YOU FOR TAKING HER HOME?

A SHE SAID SHE HATED ME AND SHE HATED TOMMY AND SHE HATED HUEY AND SHE HATED PETE GARRIS AND SHE WAS SUPPOSED TO GO BACK WITH STEVE TYRELL AND SHE CUSSED AND WENT ON, AND LORD!

Q HOW LONG DID THIS KIND OF PROTESTING GO ON? FROM THE TIME YOU STARTED DRIVING, DID SHE GET OVER IT, OR DID IT GO ON ALL THE WAY TO HOUSTON?

A WELL, SHE RAISED HELL FOR ABOUT, I GUESS TEN OR FIFTEEN MILES TILL WE GOT LIKE ON, YOU KNOW, ON THE HIGHWAY. SHE SEEN WE WAS GOING, SO, THEN, SHE DIDN'T RAISE NO MORE HELL.

THE COURT: JUST A LITTLE BIT DIFFERENT LANGUAGE ABOUR RAISING HELL.

THE WITNESS: WELL, I DON'T KNOW HOW -- RAISING SAND.

THE COURT: THAT WILL DO BETTER. YOU'RE

IN A COURTROOM NOW. YOU'RE NOT OUT SOME PLACE ELSE.

THE WITNESS: I'M SORRY.

SHE WAS RAISING SAND ABOUT EVERYTHING IN GENERAL AND WE GOT TO MEMPHIS, AND SO, WE WOKE HER UP TO EAT --

Q (BY MR. MUCH) SIR?

A WE WOKE HER UP TO EAT. SHE WAS SLEEPING AND WE WOKE HER UP TO EAT AND WE GOT UP AND WENT OUT AND GOT, WENT TO HOWARD JOHNSON'S RESTAURANT AND SHE JUST HAD COFFEE OR SOMETHING. SHE WASN'T HUNGRY, AND SHE WENT TO USE THE TELEPHONE TO TRY TO CALL STEVE TYRELL IN NASHVILLE, OR SOMETHING TO THAT EFFECT.

Q IS THAT WHAT SHE SAID SHE WAS DOING?

A I DON'T KNOW IF SHE DID USE THE PHONE OR WENT TO THE REST ROOM OR WHAT, BUT, ANYWAY, I TOLD HER, WELL, I SAID, "TYRELL IS NOT IN NASHVILLE." AND EVIDENTLY SHE MUST HAVE CALLED NASHVILLE, TENNESSEE AND FOUND OUT HE WASN'T THERE, AND THEN, DECIDED TO GO ON BACK WITH US AND I TOLD HER IN MEMPHIS, I SAYS, "WELL, IF TYRELL WANTS TO COME AND GET YOU, I DON'T CARE. I'M SICK OF HEARING ABOUT IT." BECAUSE THE ONLY TIME WE DIDN'T HEAR ABOUT IT WAS WHEN SHE WAS SLEEPING, YOU KNOW.

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THE TYPE OF ANSWER, NARRATIVE FORM.

THE COURT: ALL RIGHT. JUST ANSWER THE QUESTIONS HE ASKS.

Q (BY MR. MUCH) NOW, YOU ARRIVED IN HOT SPRINGS DURING THE DAY, DID YOU NOT?

A YES, SIR.

Q ABOUT WHAT TIME OF DAY?

A I DON'T RIGHTLY KNOW. I JUST KNOW IT WAS DAYTIME.

Q YOU HAVE ALREADY SAID YOU SPENT ABOUT THREE HOURS THERE, WHAT WERE YOU DOING WHILE YOU WERE THERE WITH LYNDA AND WITH TOMMY?

A WELL, I GOT GAS AND WHILE I WAS AT THE GAS STATION, WELL, THE GAS MAN HAD AN ANTIQUE CAR THERE FOR SALE. IT WAS THE OLDEST CAR THAT I HAD EVER SEEN. I HAD NEVER SEEN A CAR THAT OLD IN MY LIFE AND --

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS AS BEING COMPLETELY IRRELEVANT, SOME ANTIQUE CAR IN HOT SPRINGS.

MR. MUCH: I WANT TO KNOW HOW YOU SPENT THE TIME.

DID YOU GET IN THIS CAR, OR WHAT DID YOU DO?

A YES, SIR.

Q (BY MR. MUCH) DID LYNDA GET IN IT?

A YES, IN IT AND AROUND IT AND I TRIED TO CALL HOUSTON AND GET A FRIEND OF MINE TO COME UP THERE AND SEE IT.

I TOLD HIM I WOULD TRY TO HOLD ON TO IT UNTIL HE GOT BACK AND HE SAID HE HAD DONE BOUGHT HIM A CAR AND HE WASN'T INTERESTED, BUT HE WOULD COME IN A COUPLE OF DAYS AND LOOK AT IT, IF THE MAN STILL HAD IT FOR SALE.

Q YOU WERE TRYING TO ACQUIRE THIS THING AND HAD SOME NEGOTIATIONS ABOUT BUYING IT AND STOPPED OFF TO DO THAT?

A YES, SIR.

Q ALL RIGHT, AND AFTER THAT, YOU LEFT AND CAME BACK TO HOUSTON?

A YES, SIR.

Q OR CONTINUED TO HOUSTON?

A YES, SIR.

Q DO YOU RECALL WHEN YOU ARRIVED?

A WE ARRIVED IN HOUSTON, I GUESS, AROUND NOON, SOMETHING LIKE THAT, SOMEWHERE IN THE AFTERNOON OR MORNING.

Q ALL RIGHT, AND YOU TOOK, WHERE DID YOU TAKE LYNDA OR TOMMY OR BOTH OF THEM -- THEY WERE IN YOUR CAR?

A YES. I TOOK TOMMY BACK OVER TO CLOSE TO WHERE HIS HOUSE WAS. I DON'T KNOW WHERE HE LIVED, BUT SOMEWHERE BACK OVER THERE, AND HE WALKED AROUND THE CORNER AND GOT HIS CAR AND THEY CAME BACK AND PUT THEIR LUGGAGE IN AND LEFT.

Q DO YOU RECALL ANY DISCUSSIONS EN ROUTE ABOUT LYNDA ELLIS OR TOMMY BERGEN, ABOUT SOME KIND OF A CONTRACT THAT THEY HAD WITH HUEY MEAUX OR ONE OF HIS COMPANIES?

A THERE WAS SOMETHING ABOUT A CONTRACT. I DON'T REMEMBER EXACTLY WHAT IT WAS, BUT TOMMY SAID THAT SHE WAS HIS ARTIST AND GOING TO MAKE A RECORD, OR SOMETHING. I DO REMEMBER THAT SHE WAS GOING TO MAKE A RECORD.

Q WELL, WAS IT AS A SINGER OR AS SOME OTHER KIND OF PERFORMER?

A AS A SINGER.

Q DID HE SAY WHETHER HE HAD GOTTEN HER A CONTRACT?

A SIR?

Q DID HE SAY WHETHER HE HAD GOTTEN HER A CONTRACT?

A IT SEEMS TO ME THERE WAS SOMETHING ABOUT A CONTRACT. I DON'T KNOW EXACTLY WHAT.

Q DO YOU RECALL WHETHER OR NOT SHE SAID SHE HAD SIGNED ONE OR HADN'T SIGNED ONE?

A THERE WAS SOMETHING ABOUT HIM BEING A RECORDING AGENT AND SHE DID SAY SHE WOULD SIGN WITH HIM OR WITH SOMEBODY, SHE WAS A RECORDING AGENT OR SOMETHING, I DON'T KNOW.

Q DID THEY SAY WHAT THEY HAD DONE WITH THE CONTRACT?

A SIR?

Q DID THEY SAY WHAT THEY HAD DONE WITH THE CONTRACT?

A NO, SIR.

Q NOW, WHILE YOU WERE IN NASHVILLE, APART FROM THE TIME YOU WERE IN THE HOSPITALITY ROOM PERFORMING YOUR

ACTIVITIES THERE, DID YOU CARRY ON ANY OTHER ACTIVITIES OR PERFORM ANY OTHER SERVICES?

A YES, I WENT TO ALL THE MEETINGS, DIFFERENT COMPANIES AND TOOK XEROX COPIES OUT TO BE COPIED, TOOK CLEANING OUT TO THE LAUNDRIES AND TOOK SHOES OUT TO BE SHINED AND SHINE PARLORS AND BROUGHT THEM BACK, LIKE THAT, GENERALLY.

Q DID YOU GO TO ANY RECEPTIONS?

A YES, SIR.

Q DO YOU KNOW WHOSE THEY WERE?

A YES, I WENT TO THE GRAND OLD OPERY RECEPTION, R.C.A., COLUMBIA, CAPITOL, DECCA, B.MI. AWARDS, THE AWARD OF THE YEAR FOR THE BEST SINGERS AND STUFF LIKE THAT, THE CASH BOX AND BILLBOARD.

Q DID YOU GO TO ANY MEALS AT DIFFERENT PLACES OR DINNERS OR BANQUETS OR SOMETHING?

A YES, I WENT TO THREE OR FOUR OR FIVE BANQUETS AT THE HERMITAGE HOTEL AND THREE OR FOUR BANQUETS AT THE ANDREW JACKSON AND DIFFERENT HOTELS.

Q DID YOU SEE LYNDA AT ANY OF THESE PLACES?

A NO, I DIDN'T.

Q DID YOU SEE TOMMY BERGEN AT ANY OF THOSE PLACES?

A I SEEN TOMMY A LOT OF TIMES IN THE LOBBIES, LIKE ANDREW JACKSON AND THE HERMITAGE HOTEL, BUT I NEVER SEEN TOMMY AT ALL INSIDE ANY OF THE CLOSED AWARD MEETINGS OR SUCH.

Q WHILE YOU WERE IN NASHVILLE, YOU AND TOMMY DID STAY IN THE SAME ROOM EACH NIGHT THAT YOU FIRST MOVED INTO, DID YOU NOT?

A YES, SIR.

Q UNTIL YOU LEFT?

A YES, SIR.

Q NOW, WHEN YOU LEFT, OR UP TO THE TIME WHEN YOU HAD INCURRED ANY EXPENSES AT THE CAPITOL PARK, DID YOU SIGN FOR FOOD AND SERVICES, CHECKS OF THAT NATURE?

A YES, SIR.

Q DID YOU SIGN THEM FOR HUEY'S ROOM?

A YES, FOR MINE AND A LOT OF THE CHECKS FOR MR. MEAUX'S ROOM, BECAUSE I WAS THERE QUITE A BIT WHEN HE WAS OUT, YOU KNOW, PEOPLE COMING IN AND OUT, WAS A HOSPITALITY SUITE.

Q WAS THAT ALSO TRUE OF TOMMY, SO FAR AS YOU KNOW, SIGNING CHECKS AND FOOD CHECKS CHARGED TO THE ROOM?

A HE WOULD HAVE HAD TO SIGN CHECKS TO EAT, YOU KNOW, IN THE ROOM LIKE THAT. YOU HAVE TO SIGN THEM.

Q WELL, NOW, WHO BOUGHT THE MEALS ON THE WAY UP AND BACK FOR YOU, TOMMY AND LYNDA?

A I DID.

THE COURT: SHORT RECESS, GENTLEMEN.

(RECESS)

THE COURT: BE SEATED, EVERYONE.

MR. MUCH: MAY I INQUIRE OF THE REPORTER THE LAST QUESTION?

(WHEREUPON, THE REPORTER READ FROM THE RECORD, AS FOLLOWS: "QUESTION: WAS THAT ALSO TRUE OF TOMMY, SO FAR AS YOU KNOW, SIGNING CHECKS AND FOOD CHECKS CHARGED TO THE ROOM? ANSWER: HE WOULD HAVE HAD TO SIGN CHECKS TO EAT, YOU KNOW, IN THE ROOM LIKE THAT. YOU HAVE TO SIGN THEM. QUESTION: WELL, NOW, WHO BOUGHT THE MEALS ON THE WAY UP AND BACK FOR YOU, TOMMY AND LYNDA? ANSWER: I DID.")

Q (BY MR. MUCH) MR. BOOTH, CONTINUING THE QUESTIONING OF YOU YOU WERE ANSWERING BEFORE THE RECESS, YOU ARE THE SAME WITNESS, ARE YOU NOT?

A YES, SIR.

Q I ASKED YOU ABOUT, OR YOU SAID THERE WAS A DISCUSSION EN ROUTE TO NASHVILLE ABOUT THIS GIRL LYNDA BEING A SINGER?

A YES, SIR.

Q WAS THERE ANY DISCUSSION OF ANY KIND ABOUT WHO WAS GOING TO MANAGE HER?

A MR. TOMMY BERGEN.

Q SIR?

A MR. TOMMY BERGEN.

Q WELL, BUT WHAT WAS THE EXCHANGE OF QUESTIONS OR ANSWERS, WHAT WAS SAID?

A WELL, MR. BERGEN MENTIONED THAT SHE HAD A RECORDING CONTRACT WITH MR. MEAUX AND HE WAS GOING TO BE HER MANAGER.

Q DID YOU MAKE ANY INQUIRIES AS TO WHETHER YOU WOULD BE THE MANAGER OF NOT?

A THAT'S THE QUESTION, THAT'S WHY I ASKED HIM. HE SAID, "SHE'S A REAL GOOD SINGER."

AND I SAID, "WELL, MAYBE I COULD PUT HER UNDER CONTRACT."

AND HE TOLD ME SHE WAS ALREADY UNDER CONTRACT TO MR. MEAUX.

Q NOW, AFTER YOU LEFT LYNDA PUCKETT OR LYNDA ELLIS ON YOUR RETURN TO HOUSTON FROM NASHVILLE IN OCTOBER 1965, HAVE YOU EVER HAD ANY OTHER PERSONAL CONTACTS WITH HER, EITHER BY TELEPHONE OR IN PERSON OR BEEN ASSOCIATED WITH HER IN A GROUP?

A NO, SIR.

Q YOU WERE AROUND THE MUSIC BUILDING A BIT IN AUGUST OR SEPTEMBER OF 1965, WEREN'T YOU?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO LEADING, HE CAN ASK HIM --

Q (BY MR. MUCH) ARE YOU FAMILIAR WITH THE LAYOUT OF THE OFFICE AND FURNISHINGS AND THE ROOMS OF THE MUSIC BUILDING IN AUGUST AND SEPTEMBER AND OCTOBER OF 1965?

A YES, SIR.

Q DO YOU REMEMBER THE OFFICE OCCUPIED BY DON SAPP?

A YES.

Q AT THAT TIME?

A YES, SIR.

Q TELL ME WHETHER OR NOT THERE WAS A COUCH OR A BED OR ANY OTHER FURNITURE, PIECE OF FURNITURE LIKE THAT IN THAT ROOM DURING ANY OF THE THREE MONTHS, AUGUST, SEPTEMBER OF OCTOBER OF 1965?

A NO, THERE WAS NO COUCH OR ANY, THERE WAS ONLY ONE CHAIR AND ONE DESK IN THAT ROOM. IT'S A VERY SMALL OFFICE.

Q ALL RIGHT. THROUGHOUT THE WHOLE BUILDING THE MUSIC BUILDING, THAT PART WHICH WAS OCCUPIED BY THE ENTERPRISES THAT YOU HAVE DESCRIBED THAT YOU WORK FOR, OR ANY OTHERS THAT MR. MEAUX HAD, WAS THERE IN ANY PART OF THAT BUILDING A PIECE OF FURNITURE LIKE A COUCH OR BED?

A NO, SIR.

MR. MUCH: PASS THE WITNESS.

THE COURT: PASS THE WITNESS.

CROSS EXAMINATION

BY MR. APPLEWHITE:

Q THIS RECORD CONTRACT THAT WAS DISCUSSED, IT WAS SIGNED BETWEEN THE PARTIES TO IT, WHO WERE LYNDA

PUCKETT AND MR. MEAUX, WASN'T IT?

A I DON'T KNOW MYSELF. I'VE NEVER SEEN THE CONTRACT, SIR.

Q WELL, YOU HEARD THEM TALKING ABOUT IT.

A YES, SIR.

Q YOU JUST TOLD COUNSEL THAT YOU HAD.

A LYNDA ELLIS WAS THE NAME AND MR. MEAUX --

Q MR. MEAUX?

A YES, SIR.

Q MR. MEAUX HAS BEEN IN THIS BUSINESS SOME TIME, HASN'T HE?

A YES, SIR.

Q AND HAD MR. MEAUX EVER HEARD LYNDA ELLIS SING THAT YOU KNOW OF? HAD YOU AUDITIONED HER?

A NOT THAT I KNOW OF. I WAS NEVER AROUND THEM WHEN HE WOULD HAVE AUDITIONED HER OR ANYTHING LIKE THAT.

Q WELL, DID MR. MEAUX EVER TELL YOU WHETHER OR NOT HE EVER HEARD HER SING?

A NO, SIR.

Q YOU NEVER TALKED TO HIM ABOUT THAT?

A NO, I NEVER DID.

Q YOU KNOW MR. MEAUX WELL ENOUGH TO KNOW THAT IF HE WAS GOING TO SIGN SOMEBODY TO A CONTRACT THAT HE WOULD HAVE THEM AUDITIONED, DO YOU NOT?

A WELL, I WOULD ASSUME THAT HE WOULD, I WOULD.

Q AND HE WOULD, TOO, OR ANY COMPETENT MAN IN THE BUSINESS, WOULDN'T HE?

A YES, I WOULD ASSUME THEY WOULD.

Q NOW, YOU SAY IN '65 YOU WERE A PROMOTIONAL DIRECTOR, OR SOMETHING LIKE THAT?

A PROMOTION MAN AND PRODUCER AND DIRECTOR AND SINGER.

Q AND A SINGER?

A YES, SIR.

Q AND THIS WAS IN '65?

A YES, SIR.

Q AND, AS I UNDERSTAND IT, YOU WOULD SIGN TALENTS OF DIFFERENT TYPES, IS THAT RIGHT?

A YES, SIR.

Q AND YOU WOULD GET THESE PEOPLE TO MAKE A TAPE OF THEIR RECORDINGS IF YOU THOUGHT THEY WERE GOOD?

A YES, SIR.

Q AND WOULD YOU MAKE IT INTO A RECORD?

A YES, SIR.

Q AND GET A COPYRIGHT ON IT?

A WELL, AT THAT TIME, I DIDN'T HAVE A PUBLISHING COMPANY AND MR. MEAUX DID AND I USED HIS PUBLISHING COMPANY.

Q ALL RIGHT, TO CUT THE RECORD?

A FOR THE COPYRIGHT, YES.

Q THEN, IN ORDER TO GET THIS RECORD PLAYED, YOU HAVE GOT TO GET THE DIFFERENT D.J.'S AROUND TOWN TO PLAY IT,

IS THAT RIGHT?

A NO, YOU DON'T HAVE, GENERALLY, THE DISTRIBUTOR HANDLES THAT. YOU TRY TO GO PERSONALLY TO THE MUSIC DIRECTORS OR THE PROGRAM DIRECTORS AND PRESENT YOUR RECORD TO THEM.

Q BUT, YOU ALSO CONTACT THE DISK JOCKEYS, DON'T YOU?

A OCCASIONALLY, YOU KNOW, LIKE IF YOU'RE THERE AND YOU CAN TAKE THEM TO LUNCH, SOMETHING LIKE THAT, YOU DO.

Q IS THAT ALL, JUST TAKE THEM TO LUNCH?

A WELL, THAT'S PRIMARILY ALL, I MEAN, I HAVE HELPED A FEW OF THEM MOVE THEIR FURNITURE FROM ONE DEPARTMENT TO THE OTHER. I HAVE CUT SOME OF THEM'S GRASS AND DIFFERENT THINGS LIKE THAT.

Q CUT THE GRASS?

A YES, SIR.

Q YOU HAVE?

A YES, THAT'S WHEN I WAS FIRST --

Q HAVE YOU EVER PROVIDED THEM WITH GIRLS?

A NO, SIR.

Q NEVER HAVE?

A NO, SIR.

Q YOU REALIZE YOU'RE UNDER OATH NOW?

HAVE YOU EVER CONTACTED ANY GIRLS IN --

THE COURT: DON'T LECTURE THE WITNESS.

Q (BY MR. APPLEWHITE) HAVE YOU EVER CONTACTED ANY GIRLS

HERE IN HOUSTON CONCERNING GOING TO WORK FOR YOU AND ENTERING INTO PROSTITUTION SO THAT YOU WOULD PROVIDE DISK JOCKEYS WITH THESE GIRLS?

A I HAVE TALKED TO GIRLS ABOUT -- ?

Q JUST ANSWER THE QUESTION, IF YOU WILL, PLEASE, SIR.

A THAT'S WHAT I'M TRYING TO DO --

Q YES OR NO?

A I CAN'T ANSWER UNLESS I CAN TALK.

Q JUST ANSWER ME YES OR NO, IF YOU WILL, PLEASE.

A YES.

Q ALL RIGHT. AND DID YOU EVER CONTACT A MARY LEE DONHAM --

MR. MUCH: I'M GOING TO ASK, YOUR HONOR, UNLESS HE IDENTIFIES THE TIME AND PLACE AND PARTICULARLY THE TIME, IT MAY NOT BE MATERIAL.

THE COURT: ALL RIGHT, PLACE THE TIME AND PLACE.

Q (BY MR. APPLEWHITE) IN 1966, THE EARLY PART OF 1966 --

MR. MUCH: THEN, IT IS OBVIOUSLY SOME TIME AFTER THE TRANSACTION IN QUESTION AND NOT RELEVANT TO ANY MATTERS BEFORE THIS JURY AND SHOULD NOT BE GONE INTO.

THE COURT: LET'S STAY AROUND THE DATES SET FORTH IN THE INDICTMENT.

MR. APPLEWHITE: I WILL WITHDRAW THAT FOR THE TIME BEING. I THINK IT WILL BE ADMISSIBLE --

Q (BY MR. APPLEWHITE) WELL, YOU ANSWERED YES, YOU HAD CONTACTED GIRLS FOR THIS PURPOSE.

MR. MUCH: AT THIS POINT, BEFORE HE GOES FURTHER, I ASK THAT HE RESTRICT HIS QUESTIONS TO A PERIOD OF TIME OR INTERVAL PRIOR TO THE NASHVILLE TRIP AND RETURN.

Q (BY MR. APPLEWHITE) ALL RIGHT. DURING THE YEAR OF 1965 WHEN YOU WERE PROMOTING THESE RECORDS, DID YOU HAVE CONTACT WITH GIRLS HERE IN HOUSTON AND TRY TO GET THEM TO GO INTO PROSTITUTION OR TO GO WORK --

A NOT INTO PROSTITUTUION, NO, SIR.

Q DID YOU CONTACT SOME GIRLS WITH THE IDEA OF GETTING THEM TO GO TO THE DIFFERENT DISK JOCKEYS AND ENTERTAINING THEM?

A NO, NOT IN THE SENSE OF GIVING THEIRSELVES TO THEM.

Q WHAT SENSE?

A LIKE GOING TO BED WITH THEM.

Q YOU CONTACTED THEM FOR THAT PURPOSE?

A NO, HAVEN'T EVER CONTACTED THEM FOR THAT PURPOSE. I HAVE CONTACTED THEM FOR PARTIES AND SUCH AS THAT, YOU KNOW, FOR TO HAVE A PARTY, TO PLAY A RECORD, LIKE I

HAVE HAD, THERE HAS BEEN GIRLS PRESENT AT SOME OF THE MEETINGS AT DIFFERENT TIMES WHEN MAYBE THE ARTISTS' GIRL FRIENDS OR SOMETHING LIKE THAT, SOMETHING TO DO WITH THE BUSINESS, YOU KNOW.

Q WELL --

A IT'S KIND OF HARD TO BE IN THE MUSIC BUSINESS WITHOUT GIRLS AROUND.

Q I REALIZE THAT.

A THEY'RE CRAZY ABOUT IT, YOU KNOW. THEY'RE JUST LIKE ANY OTHER HUMAN BEING, PEOPLE THAT LOVE MUSIC, THEY'RE THERE.

Q AND WILL YOU AGREE WITH ME THAT IT'S IMPORTANT TO GET THE DISK JOCKEYS TO LIKE YOU IF YOU WANT TO GET SUFFICIENT AIR PLAY FOR YOUR RECORDS?

A NO, IT'S NOT SUFFICIENT AIR PLAY, THE ONLY WAY YOU GET A RECORD PLAYED IS IT BE OF MERIT FOR PLAY. I THINK ANY PROGRAM DIRECTOR OR MUSIC DIRECTOR WILL TELL YOU THAT, IF YOUR RECORD DOESN'T MERIT PLAYING, THEY WON'T PLAY IT.

Q OF COURSE, IF YOU GO OUT AND CUT THEIR GRASS, THIS HELPS.

A THIS IS PERSONAL FRIENDS HAS BEEN OVER TO MY HOUSE. HELPED ME PAINT MY HOUSE, I HAVE BEEN OVER TO THEIR HOUSE AND HELPED THEM PAINT, HELPED THEM BUILD GARAGES, HELPED THEM WORK ON THEIR CARS AND DIFFERENT

THINGS LIKE THAT, YOU DO THAT WITH FRIENDS, GO BOWLING, SWIMMING, SKIING --

Q KEEP GOING.

A I HAVE PLAYED GOLF WITH THEM BEFORE AND DIFFERENT THINGS LIKE THAT, WENT TO RESTAURANTS TO EAT.

Q I THINK WE'RE TALKING ABOUT THE SAME THING THEN. IF YOU'RE FRIENDS WITH THE DISK JOCKEYS, THEY WILL PLAY YOUR RECORDS FOR YOU?

A NO, THAT'S ONE BIG PROBLEM YOU HAVE GOT IN THIS BUSINESS, REGARDLES OF HOW FRIENDLY, IF A GUY DON'T LIKE YOUR RECORD, HE WON'T PLAY IT.

Q HE WON'T PLAY YOUR RECORD?

A IF HE DON'T LIKE THE RECORD, HE WON'T PLAY IT, HE CAN'T, I MEAN, HE WOULD LIKE TO, BUT HE CAN'T PLAY IT. I MEAN, THE WAY THEY PLAY RECORDS ON THE AIR IS FOR THE MASS POPULATION AND IF THEY DON'T PLAY THE RIGHT RECORDS THAT THE PEOPLE LIKE, THEY LOSE RATINGS, YOU SEE WHAT I MEAN, AND THEY LOSE THEIR JOBS THEN.

Q ALL RIGHT, BUT IF YOU HAVE A NEW RECORD, NOBODY KNOWS WHETHER IT'S GOING TO BE A HIT OR NOT UNLESS THE DISK JOCKEYS PLAY IT ON THE AIR.

A THEY SEEM TO KNOW, D.J.'S SEEM TO KNOW, I DON'T KNOW WHY, OR HOW COME, BUT THEY SEEM TO BE BETTER THAN PRODUCERS AND THEY TELL YOU WHAT IS WRONG, BOY, IF YOU

HAVE GOT ONE LITTLE FLAW IN THAT RECORD, MAN, "I CAN'T PLAY IT; I LIKE YOU, CHARLIE, I CAN'T PLAY IT. IT HAS GOT A BAD NOTE OUT." AND YOU NEVER NOTICED IT UNTIL YOU TOOK IT UP THERE.

Q THEN, YOU WILL SAY IT'S YOUR ANSWER THAT IT DOES NOT HELP YOU TO PROMOTE YOUR RECORDS FOR THE DISK JOCKEYS TO BE GOOD FRIENDS?

A NO, IT DON'T HELP YOU, IT DON'T REALLY HELP YOU, NOT REALLY, NOT IF YOU DON'T HAVE A GOOD PRODUCT.

Q THEN, WHY WOULD YOU CONTACT GIRLS OVER THERE AND TALK WITH THE D.J.S AND BE FRIENDS WITH THEM?

A WELL -- I DON'T REALLY KNOW.

Q WELL, ALL RIGHT.

DID YOU TAKE SOME TAPES TO NASHVILLE WITH YOU?

A YES, SIR.

Q AND WERE THEY MR. MEAUX'S TAPES?

A MR. MEAUX'S AND MINE --

Q YOURS?

A YES, SIR.

Q TAPES THAT YOU HAD WHERE YOU HAD SIGNED THE TALENT AND PUT THE TALENT ON THE TAPE?

A YES, SIR.

Q ALL RIGHT. AND IT'S VERY IMPORTANT TO YOU AND MR. MEAUX TO TRY TO SELL THESE TAPES TO NATIONAL

RECORDING COMPANIES, IS THAT RIGHT?

A WELL, IT'S LIKE ANYTHING ELSE IN BUSINESS, IT'S IMPORTANT TO SELL YOUR PRODUCT.

Q THAT'S RIGHT, AND SO, WHEN YOU GO TO THESE CONVENTIONS, YOU WOULD LIKE TO KEEP THESE PEOPLE HAPPY THAT ARE FROM THESE LARGE COMPANIES, ISN'T THAT A TRUE STATEMENT?

A WELL, FIRST, YOU HAVE GOT TO MEET THEM.

Q THAT'S RIGHT.

A -- YOU KNOW, AND I DON'T, I DIDN'T, I DON'T KNOW VERY MANY NATIONAL PEOPLE, SOMEHOW OR ANOTHER, I NEVER HAVE BEEN REALLY ABLE TO GET INTO CONTACT WITH THE BIG BUSINESS PEOPLE.

Q NOW, THAT'S WHAT YOU WERE INTERESTED IN DOING WHEN YOU WENT TO NASHVILLE?

A YES, I WENT TO MEET THEM.

Q BUT YOU HAD BEEN TO SOME OTHER CONVENTIONS, I BELIEVE YOU STATED?

A YES, SIR.

Q AND YOU HAD MET SOME PEOPLE THERE?

A YES, SIR.

Q NOW, IT WAS TO YOUR ADVANTAGE TO MEET AS MANY PEOPLE AS YOU COULD, AS MANY NATIONAL PEOPLE THAT WORK FOR NATIONAL RECORD PRODUCERS?

A YES, SIR.

Q AND WHEN YOU GO TO THESE CONVENTIONS, IT'S IMPORTANT FOR YOU TO KEEP THESE PEOPLE HAPPY IF YOU COULD, OR GET THEM TO LIKE YOU, IS THAT TRUE?

A I DON'T KNOW WHAT YOU MEAN.

Q YOU DON'T KNOW WHAT I MEAN WHEN I --

A I DON'T KNOW WHAT YOU MEAN, I REALLY DON'T.

Q WOULD IT BE TO YOUR ADVANTAGE WHEN YOU GO TO A CONVENTION TO ACT AS A, OR TO PROVIDE SERVICES FOR THEM WHERE THEY WILL LIKE YOU IN SUCH A MANNER THAT THEY MIGHT PURCHASE YOUR RECORDS?

A I DON'T KNOW.

Q YOU DON'T KNOW?

A I REALLY DON'T KNOW, I GUESS THAT'S WHY I'M NOT A BIG-SHOT IN THE BUSINESS.

Q YOU HAVE BEEN IN THIS BUSINESS QUITE A WHILE?

A YES, I HAVE.

Q AND I THINK YOU KNOW.

A I DON'T KNOW WHAT YOU'RE TALKING ABOUT.

Q ALL RIGHT. WOULDN'T IT BE TO YOUR ADVANTAGE WHEN YOU WENT TO NASHVILLE TO TAKE A GIRL ALONG TO PROVIDE THIS GIRL TO THE NATIONAL RECORD PRODUCERS THAT WERE THERE FOR THE PURPOSES OF PROSTITUTION?

A NO.

Q NOT TRUE?

A NO, IT WOULDN'T BE TO MY ADVANTAGE.

Q WOULD IT BE TO MR. MEAUX'S ADVANTAGE?
A I DON'T KNOW.
Q YOU DON'T HAVE ANY IDEAS IN THAT RESPECT?
A NO, SIR.
Q NOW, YOU DENY EVER TALKING TO LYNDA OR TOMMY ABOUT THIS TRIP IN WHICH IT WAS SAID THAT SHE WOULD GO UP THERE AND ENGAGE IN ACTS OF INTERCOURSE WITH SOME OF THESE PEOPLE THAT YOU WOULD POINT OUT TO HER?
A YES, SIR.
Q THAT NEVER HAPPENED, ACCORDING TO YOU?
A NO, I NEVER TALKED ABOUT PROSTITUTION.
Q AND YOU NEVER TALKED TO MR. MEAUX ABOUT PROSTITUTION CONCERNING LYNDA AND IN NASHVILLE?
A NO, SIR.
Q DID MR. MEAUX EVER TALK TO YOU ABOUT IT?
A NO, SIR.
Q DID TOMMY BERGEN?
A NO, SIR.
Q SO, IT JUST DIDN'T HAPPEN?
A TO MY KNOWLEDGE, IT DIDN'T.
Q WELL, DO YOU KNOW WHETHER IT HAPPENED OR NOT, THAT'S WHAT I'M ASKING YOU.
A I DON'T REMEMBER ANY CONVERSATIONS ABOUT PROSTITUTION.
Q COULD IT HAVE HAPPENED AND YOU NOT REMEMBER IT?
A I DON'T KNOW, I DON'T REMEMBER ANY --

Q WELL, ARE YOU SAYING IT DIDN'T HAPPEN, OR IT COULD HAVE HAPPENED AND YOU DON'T REMEMBER IT.

A I DON'T REMEMBER ANY CONVERSATIONS.

Q BUT, THERE COULD HAVE BEEN SOME CONVERSATIONS ALONG THOSE LINES?

A NOT THAT I KNOW OF.

MR. MUCH: YOUR HONOR, IT SEEMS TO ME HE'S BADGERING AND ARGUING WITH THE WITNESS AND I PROTEST BECAUSE HE HAS ESTABLISHED THE FACT THAT HE DOESN'T KNOW.

THE COURT: ALL RIGHT. GO AHEAD. HURRY ALONG.

Q (BY MR. APPLEWHITE) ON THE WAY UP THERE, I THINK YOU HAVE ALSO DENIED THAT YOU GOT IN THE BACK SEAT WITH LYNDA IN ORDER TO HAVE INTERCOURSE WITH HER, YOU SAY THAT DIDN'T HAPPEN?

A I DENY HAVING INTERCOURSE WITH HER AND I DENY ATTEMPTING TO RAPE HER. I DID NOT DENY GETTING IN THE BACK SEAT. I GOT IN THE BACK SEAT TO TRY TO MOVE HER TO THE FRONT SEAT.

Q I SEE. YOU DID GET IN THE BACK SEAT -- EXCUSE ME.

A YES, I GOT IN THE BACK SEAT. WE STOPPED. I TRIED TO MOVE HER TO THE BACK SEAT AND SHE -- WE WAS ARGUING OVER WHO WAS THE SLEEPIEST AND I WAS DEAD TIRED AND WE

HAD A PRETTY BAD ARGUMENT ABOUT THAT.

Q MY QUESTION IS, YOU DIDN'T GET IN THE BACK SEAT WITH HER IN ORDER TO HAVE INTERCOURSE WITH HER?

A YES, SIR.

Q AND WHAT SHE TESTIFIED TO JUST DIDN'T HAPPEN, SHE'S TELLING A NON-TRUTH HERE?

A I DIDN'T TRY TO HAVE INTERCOURSE WITH HER.

Q NOW, WERE YOU TAKING BENZEDRINE PILLS, OR AMPHETAMINE PILLS ON THAT TRIP?

A NO, SIR.

Q ISN'T IT A FACT THAT YOU WERE TAKING SOME BENNIES, AS THEY CALL THEM?

A NO, I DON'T EVEN KNOW WHAT YOU'RE TALKING ABOUT, BENNIES, I DON'T KNOW WHAT YOU MEAN.

Q BENZEDRINE TABLETS, AND YOU'RE IN THE RECORD BUSINESS AND YOU HAVEN'T HEARD THAT?

A I HAVE HEARD OF BENZEDRINE TABLETS, I'VE NEVER TAKEN THEM.

Q BUT, YOUR TESTIMONY IS THAT YOU DIDN'T TAKE ANY ON THIS TRIP?

A QUITE.

Q AND YOU SAY THAT WAS NOT A REAL PISTOL THAT WAS IN THE CAR?

A THAT'S RIGHT.

Q AND TOMMY WAS THE ONE THAT GOT SO UPSET ABOUT IT, IS

THAT RIGHT?

A YES, SIR.

Q BUT IT WASN'T TOMMY'S CAR?

A NO, SIR.

Q BUT, YOU DIDN'T GET UPSET, IT WAS JUST TOMMY, MAINLY?

A NO, I DIDN'T HAVE NO REASON TO GET UPSET.

Q DID YOU THROW ANY OF THE PILLS OUT?

A NO, SIR.

Q THAT DIDN'T HAPPEN?

A I DIDN'T SEE ANY PILLS, I DIDN'T THROW ANY OUT.

Q WELL, YOU SAID YOU WERE TAKING SOME VITAMIN PILLS, I THINK YOU CALLED THEM VITAMIN PILLS?

A RIGHT. I HAD SOME VITAMIN PILLS AND I HAD SOME WEIGHT REDUCING PILLS, BUT THEY WASN'T BENZEDRINE OR NOTHING LIKE THAT.

Q WELL, DID YOU THROW THEM OUT?

A NO, I DIDN'T.

Q DID YOU THROW THE PISTOL OUT?

A NO, I DIDN'T.

Q NEVER THREW THE PISTOL OUT?

A IT WASN'T A PISTOL, THERE WAS NO REASON TO THROW IT OUT.

Q WELL, YOU SAID IT WAS A TOY PISTOL?

A YES, SIR.

Q I BELIEVE YOU SAID THAT A PERSON BY THE NAME OF

FONTENEAUX WAS TO GO WITH YOU?

A YES, SIR.

Q HOW DID YOU MEET FONTENEAUX?

A AT THE MUSIC BUILDING.

Q HAS HE EVER GIVEN YOU ANY VITAMIN PILLS?

A NO, SIR.

Q AS YOU CALL THEM?

A NO.

Q HE WORKS FOR NORRIS OF HOUSTON, DOESN'T HE?

A YES, SIR.

Q HE IS A HAIR STYLIST?

A YES, SIR.

Q HOW DID YOU COME IN CONTACT WITH HIM?

A AT THE MUSIC BUILDING.

Q YOU SAID HE WORKED THERE, I THINK, IN YOUR CONVERSATION?

A HE WORKS THERE, HE COMES OUT AND STYLES DIFFERENT PEOPLE'S HAIR BY APPOINTMENT.

Q DID HE STYLE YOUR HAIR AND MR. MEAUX'S HAIR?

A YES, SIR.

Q THERE?

A YES, WHEN I COULD AFFORD IT.

Q HE NEVER BROUGHT YOU ANY VITAMIN PILLS WHEN HE CAME OUT THERE?

A NO, SIR.

Q ALL RIGHT, I BELIEVE YOU AGREE THAT YOU DID GO ON THE TRIP WITH LYNDA AND TOMMY.

A YES, SIR.

Q AND YOU WENT TO NASHVILLE?

A YES, SIR.

Q AND ON THE DATES MENTIONED IN THIS INDICTMENT?

A YES, SIR.

Q RIGHT. YOU JUST DENY THAT THERE WAS ANY CONVERSATION BETWEEN YOU AND ANYBODY CONCERNING PROSTITUTION?

A YES, SIR.

Q IT JUST DIDN'T HAPPEN?

A NOT THAT I KNOW OF.

LYNDA AND TOMMY TALKED UP AS TO THE EFFECT THAT THEY WISHED THEY WERE ON THEIR HONEYMOON.

Q DID YOU KNOW THAT TOMMY HAD HAD SEXUAL RELATIONS WITH LYNDA BEFORE?

A NO.

Q HAD HE TOLD YOU THAT?

A NO.

Q HE HAD NEVER TOLD YOU THAT?

A NO, SIR.

Q AND YOU DIDN'T KNOW IT?

A NO, SIR.

Q BUT, THEY HAD MENTIONED THAT THEY WISHED THEY WERE ON THEIR HONEYMOON?

A I MEAN, I NEVER HAD SEEN THEM OR BEEN AROUND THEM OR HEARD OF THEM HAVING ANY SEXUAL RELATIONS, YOU KNOW.

Q YOU SAW TOMMY QUITE OFTEN, DIDN'T YOU, THERE AT THE MUSIC BUILDING?

A YES, SIR.

Q AND HE WAS THERE ON MANY OCCASIONS WITH LYNDA, WAS HE NOT?

A THE ONLY TIME I EVER SAW HIM AND LYNDA WAS ONE TIME.

Q ONE TIME PREVIOUS TO THE TRIP TO NASHVILLE?

A OUT AT THE MUSIC BUILDING ON FRIDAY.

Q ALL RIGHT, AND HE NEVER TALKED --

A MAYBE IT WAS THE WEEK BEFORE, I SEEN HER THE WEEK BEFORE ON A FRIDAY OR SATURDAY ONE.

Q DID MR. MEAUX EVER TELL YOU THAT HE HAD HAD SEXUAL RELATIONS WITH LYNDA?

A SIR?

Q DID MR. MEAUX EVER TELL YOU THAT HE HAD HAD SEXUAL RELATIONS WITH LYNDA?

A NO, HE DIDN'T.

Q ALL RIGHT.

BACK TO THE TRIP, YOU SAY THEY STATED TO YOU THAT THEY WISHED THEY WERE ON THEIR HONEYMOON?

A YES, SIR.

Q BUT, WHEN THEY GOT IN NASHVILLE, LYNDA REGISTERED IN A ROOM BY HERSELF AND TOMMY STAYED WITH YOU?

A TOMMY CAME WITH ME, YES.

Q HE STAYED IN YOUR ROOM, YOU ALL HAD A ROOM TOGETHER?

A YES, SIR.

Q AND LYNDA WAS BY HERSELF?

A TO MY KNOWLEDGE, I DON'T KNOW.

Q NOW, IT WOULD SEEM LIKE IF THEY WERE TALKING ABOUT GOING ON A HONEYMOON, THAT THEY WOULD HAVE STAYED IN THE SAME ROOM, DOESN'T IT?

A WELL, YOU KNOW, I DON'T KNOW ABOUT THIS. I DON'T KNOW WHAT THE ARRANGEMENTS WERE, OR NOTHING ABOUT IT.

I DIDN'T PAY FOR THE ROOMS. I DIDN'T GET THE ROOMS, SO I DON'T HAVE ANY KNOWLEDGE OF THAT.

Q YOU STATED WHILE YOU WERE UP THERE, MAINLY WHAT YOU DID, YOU WAITED ON PEOPLE; WHAT DID YOU MEAN BY THAT? YOU MEAN THE RECORD PRODUCERS FROM THE DIFFERENT COMPANIES?

A I GOT THEM DRINKS, POLISHED THEIR SHOES, AND THINGS LIKE THAT.

I ATTENDED, WE HAD KIND OF LIKE A BAR, YOU KNOW, AND I MIXED DIFFERENT DRINKS FOR THE EXECUTIVES AND STUFF LIKE THAT AND WENT AND GOT ICE AND CARRIED ICE AND TOOK CLEANING OUT AND TOOK PEOPLE'S SHOES TO BE SHINED, DIFFERENT THINGS LIKE THAT.

Q JUST THINGS TO HELP KEEP THEM HAPPY?

A LITTLE BITTY THINGS, YES.

Q LITTLE BITTY THINGS?

A THAT WOULD --

Q -- YOU TESTIFIED THAT TOMMY WAS GONE FROM YOUR ROOM ABOUT NINETY PERCENT OF THE TIME, IS THAT RIGHT?

A WELL, IT'S LIKE WHEN I CAME IN --

Q EXCUSE ME, DID YOU TESTIFY TO THAT?

A YES, I MEAN, I NEVER SEEN HIM ABOUT, MAYBE ABOUT TEN PERCENT IN THE TIME WHEN I WAS IN THE ROOM, ABOUT TEN PERCENT OF THE TIME THAT I WAS IN THE ROOM DID I SEE HIM THERE.

Q AND YOU WERE GONE ABOUT NINETY PERCENT OF THE TIME, TOO, WERE YOU?

A YES. THE ONLY TIME I EVER WENT TO THE ROOM WAS TO SLEEP.

Q AND DO YOU DENY THAT HUEY, WHEN YOU GOT READY TO LEAVE THAT NIGHT, THAT HUEY GAVE YOU TWO HUNDRED DOLLARS?

A YES, SIR.

Q WHICH HE HAD GOTTEN FROM PETER GARRIS AND HE GAVE YOU THE TWO HUNDRED DOLLARS AND TOLD YOU TO GIVE ONE HUNDRED TO TOMMY AND ONE HUNDRED TO LYNDA?

A HUEY NEVER GAVE ME TWO HUNDRED DOLLARS.

Q YOU ARE SURE OF THAT?

A I'M POSITIVE OF IT.

Q ALL RIGHT.

A IF HE WOULD HAVE GAVE IT TO ME, I WOULD HAVE KEPT IT.

Q I BELIEVE A MOMENT AGO YOU TESTIFIED THAT YOU WERE GOING TO GO WITH MR. MEAUX OR YOU WANTED TO GO WITH HIM SO THAT YOU WOULD INTRODUCE HIM TO CERTAIN RECORD PRODUCERS YOU HAD MET AND HAD KNOWN, IS THAT TRUE?

A YES, SIR.

Q BUT THEN, RIGHT AFTER THAT, WHEN I TALKED TO YOU, YOU SAID THAT YOU WERE A FLOP IN THE BUSINESS AND DIDN'T KNOW ANYBODY, HOW CAN YOU EXPLAIN --

A I KNEW TWO PEOPLE IN THE BUSINESS, MR. FRANK MANCINI OF M.G.M., WHICH I MET IN MIAMI, AND MR. PART LISTIS OF JAIME GIDDEN, WHICH I MET IN MIAMI, AND I WANTED TO TRY, WE HAD THIS ROY HEAD CONTRACT TOGETHER --

Q NOW, WAS HE A TALENT THAT YOU HAD SIGNED?

A YES, SIR.

Q AND WHEN DID HIS RECORD COME OUT, WAS IT IN '65?

A YES, SIR.

Q AND YOU MADE A LOT OF MONEY OFF THAT RECORD, DIDN'T YOU?

A QUITE A BIT, YES, SIR.

Q ALL IN '65?

A YES, SIR.

Q BUT YET, YOU WERE WITHOUT MONEY TO GO ON THIS TRIP?

A YES, IT TAKES THE RECORD, ROY HEAD'S RECORD STARTED HITTING AROUND ABOUT MAY.

Q NOW, I BELIEVE IT'S YOUR TESTIMONY THAT HUEY MEAUX TOLD YOU TO TAKE LYNDA AND TOMMY TO NASHVILLE, IS THAT RIGHT?

A YES, SIR.

Q BUT, I BELIEVE YOU ALSO SAID THAT YOU HAD JUST MENTIONED THIS OR TALKED TO HIM ONCE BEFORE, BEFORE YOU LEFT ON THIS TRIP, CONCERNING THIS TRIP?

A YES, ABOUT THAT TRIP, YES, SIR.

Q NOW, WHAT YOU TOLD THIS JURY, A LOT OF THINGS ARE DIRECTLY OPPOSITE FROM WHAT LYNDA SAID, ISN'T THAT TRUE?

A YES, SIR.

Q BUT, YOU'RE TELLING THEM THE TRUTH, AND SHE'S NOT?

A YES,SIR.

Q NOW, HAVE YOU EVER BEEN CONVICTED IN THIS STATE OR ANY OTHER STATE OF A FELONY WITHIN THE LAST FIFTEEN YEARS?

MR. MUCH: YOUR HONOR, WE ARE GETTING INTO --

MR. APPLEWHITE: 1953.

THE WITNESS: NOT TO MY KNOWLEDGE, NO, SIR.

Q (BY MR. APPLEWHITE) ISN'T IT A FACT THAT YOU WERE CONVICTED ON MARCH THE 5TH OF 1953 OF ROBBERY BY ASSAULT HERE IN HARRIS COUNTY IN CRIMINAL DISTRICT COURT NO. 2 AND SENTENCED TO TEN YEARS IN PRISON?

A I THOUGHT THAT WAS IN '51.

MR. APPLEWHITE: I HAVE THE RECORDS HERE, IF YOU WOULD LIKE TO LOOK AT THEM.

MR. MUCH: LET'S SEE THIS RECORD.

MR. APPLEWHITE: LET ME GET IT MARKED, PLEASE, SIR.

THE CLERK: GOVERNMENT'S EXHIBIT 5.

THE COURT: COUNSEL --

MR. APPLEWHITE: HE SAID SHOW IT TO COUNSEL.

THE COURT: ADMITTED FOR THE LIMITED PURPOSE OF IMPEACHMENT AND FOR NO OTHER PURPOSE, DON'T CONSIDER IT FOR ANY OTHER PURPOSE.

MR. MUCH: THANK YOU, SIR.

Q (BY MR. APPLEWHITE) I'LL SHOW YOU WHAT HAS BEEN MARKED AS GOVERNMENT'S EXHIBIT NO. 5 AND ASK YOU IF THAT IS YOUR PICTURE THERE.

A YES, SIR.

Q ALL RIGHT, SIR. THEN, I WILL SHOW YOU THIS DATE HERE, MARCH 5TH OF 1953, RIGHT?

A I THOUGHT IT WAS '51.

Q ALL RIGHT. NOW, IF IT WAS ON MARCH THE 5TH OF 1953, YOU WERE CONVICTED OF ROBBERY BY ASSAULT IN CAUSE NO.

68,305 HERE IN HARRIS COUNTY?

A YES, SIR.

Q YOU WERE SENTENCED TO A TERM OF TEN YEARS IN THE STATE PENITENTIARY, IS THAT RIGHT?

A YES, SIR.

Q WHICH YOU SERVED?

A YES, SIR.

Q NOW, ON THE SAME DATE IN CAUSE NO. 68,304 YOU WERE LIKEWISE CONVICTED OF ANOTHER FELONY, WERE YOU NOT, ROBBERY BY ASSAULT CHARGE?

A YES, SIR.

Q AND SENTENCED TO TEN YEARS IN THE STATE PENITENTIARY?

A YES, SIR.

Q -- WHICH YOU SERVED; ALL RIGHT.

A I PLEADED GUILTY. I DIDN'T HAVE A LAWYER OR ANYTHING, SO I DIDN'T KNOW --

Q WELL, YOU WANT TO TAKE A LOOK AT THIS RECORD A MINUTE?

A SIR?

Q SAY YOU DIDN'T HAVE A LAWYER -- "APPEARED BY THE DISTRICT ATTORNEY AND THE DEFENDANT APPEARED IN PERSON AND BY COUNSEL." THAT'S WHAT THIS RECORD REFLECTS, ISN'T IT?

A I DIDN'T HAVE AN ATTORNEY.

THE COURT: LOUDER, PLEASE.

A I DIDN'T HAVE AN ATTORNEY THAT I KNOW OF. I DON'T

REMEMBER HAVING AN ATTORNEY. I PLEADED GUILTY.

Q DID YOU EVER APPEAL THIS?

A NO, SIR.

Q IN ANY WAY?

A NO, I DIDN'T HAVE THE MONEY.

Q ALL RIGHT.

MR. APPLEWHITE: THAT'S ALL I HAVE, YOUR HONOR.

REDIRECT EXAMINATION

BY MR. MUCH:

Q MR. BOOTH, WITH REFERENCE TO THE MATTER HE HAS JUST INTERROGATED YOU ABOUT, YOU WERE JOINTLY INDICTED WITH SOME OTHER PERSON; HOW OLD WERE YOU?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO GOING INTO THIS HOW OLD HE WAS.

THE COURT: OVERRULED.

Q (BY MR. MUCH) HOW OLD WERE YOU THEN?

A I WAS THINKING I WAS TWENTY-ONE, BUT I MAY NOT, I MUST HAVE BEEN, I MEAN, I'M MIXED UP ON MY DATES.

Q WELL, IT WAS FOURTEEN YEARS AGO, AT LEAST FROM NOW, A LITTLE MORE THAN THAT.

A I WAS THINKING IT WAS A LOT LONGER THAN THAT.

YOU KNOW, IT HAS BEEN SO MANY YEARS AGO THAT I THOUGHT THAT IT WAS --

Q HOW OLD ARE YOU NOW?

A I'M THIRTY-FIVE.

Q FOURTEEN YEARS AGO, YOU WOULD HAVE BEEN TWENTY-ONE?

A YES, SIR.

Q ALL RIGHT, SIR. AT THAT TIME, WERE YOUR TWO CASES CHARGED AT THE SAME TIME AND HEARD AT THE SAME TIME?

A YES, SIR.

Q YOU ONLY WENT TO COURT ONE TIME?

A YES, SIR.

Q AND YOUR CAUSE WAS SEVERED, TAKEN APART FROM THE OTHER MAN THAT WAS CHARGED, RIGHT?

A YES, SIR.

Q AND YOU STOOD UP AND WAIVED A JURY, THERE WAS NO JURY TRIAL, WAS THERE?

A NO, SIR.

Q AND YOU PLEAD GUILTY IN BOTH CASES?

A YES, SIR.

Q AND YOU DID NOT HAVE A LAWYER TO REPRESENT YOU IN ANY RESPECT?

A NO, SIR.

Q AND WHEN HE SAYS YOU GOT A SENTENCE OF TEN YEARS, WHAT REALLY HAPPENED WAS YOU GOT TWO CONCURRENT SENTENCES OF FIVE TO TEN, AS THOSE RECORDS WILL REFLECT, RIGHT?

A I DON'T KNOW.

Q YOU DON'T EVEN KNOW WHAT THE SENTENCE WAS?

A NO, SIR. I KNOW I GOT TEN YEARS.

Q DO YOU KNOW HOW LONG YOU SERVED?

A I SERVED FROM THE DAY I WAS ARRESTED AND I'M SURE, I'M ALMOST SURE OF THIS NOW, I'M NOT POSITIVE --

Q -- THE EXACT DATES --

MR. APPLEWHITE: I WILL OBJECT TO IT IF HE IS NOT POSITIVE. I HAVE THE RECORDS. I TALKED TO THE MAN IN HUNTSVILLE, IF MR. MUCH WOULD LIKE IT.

MR. MUCH: WELL, FINE, WE'LL PUT THEM ON.

Q (BY MR. MUCH) WAS IT MORE THAN TWO YEARS, IF YOU KNOW THAT?

A I SERVED TWO YEARS, I THINK THAT'S WHAT I SERVED, AND MADE UP SOME GOOD TIME, A TOTAL OF THREE YEARS AND TEN MONTHS OF GOOD TIME.

Q MR. APPLEWHITE WAS ASKING YOU ABOUT A RECORD OF ROY HEAD THAT WAS PRODUCED AND DISTRIBUTED IN 1965.

THERE IS A DIFFERENCE BETWEEN PRODUCING A RECORD AND DISTRIBUTING IT, IS THERE NOT?

A YES, SIR.

Q AND YOU ARE NOT IN THE BUSINESS OF DISTRIBUTING RECORDS YOURSELF, YOU ONLY PRODUCE THEM, MAKE THEM, PUT THEM TOGETHER, RIGHT?

Q YES, SIR.

Q OR LEASE THEM TO SOMEBODY ELSE TO DO THAT?

A YES, SIR.

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO HIM LEADING HIM AGAIN.

THE COURT: ALL RIGHT. DON'T LEAD.

Q (BY MR. MUCH) MY ONLY QUESTION IS, IN THE RECORD BUSINESS, WHEN A RECORD IS DISTRIBUTED FOR SOMEONE LIKE THAT WHO PRODUCES IT, THE ROYALTIES ARE NOT PAID UNTIL AFTER AT LEAST FEBRUARY 15TH, THE FOLLOWING YEAR, IS THAT RIGHT?

MR. MUCH: YOUR HONOR, I OBJECT TO LEADING.

THE COURT: DON'T LEAD THE WITNESS.

Q (BY MR. MUCH) ALL RIGHT. IF YOU PRODUCE A RECORD THAT IS LIKEWISE DISTRIBUTED, IT HAS A BIG SALE IN, SAY, THE LAST HALF OF 1965, WHEN WOULD BE THE FIRST TIME YOU COULD GET ANY ROYALTY WHATSOEVER?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS. HE HASN'T QUALIFIED THE MAN AS AN EXPERT AND HE IS LEADING HIM, ALSO.

THE COURT: OVERRULED.

Q IN THE RECORD BUSINESS, WHEN YOU PRODUCE A RECORD, IT CAN BE ANYWHERE FROM SIX MONTHS TO A YEAR BEFORE YOU

COLLECT A DIME.

THEY PAY YOU ON MONIES RECEIVED AFTER RECORDS ARE RETURNED, MONIES PAID, RECORDS PAID FOR, LESS RETURNS.

Q DID YOU COLLECT ANY ROYALTIES ON ROY HEAD PRIOR TO NOVEMBER THE 1ST, 1965?

A YES, SIR.

Q DID THEY AMOUNT TO ANYTHING?

A IN 1964, I RECEIVED TWO THOUSAND DOLLARS.

Q ALL RIGHT, SIR. IS THAT ALL?

A YES, SIR.

Q UP TO NOVEMBER 1ST, '65?

A YES, SIR.

Q WITH REFERENCE TO THE SEPARATE ROOMS THAT --

A I MAY HAVE RECEIVED MORE. I'M THINKING -- NO, THIS WAS IN '66.

Q ALL RIGHT.

WITH REFERENCE TO SEPARATE ROOMS FOR A YOUNG COUPLE THAT GOES TO NASHVILLE TOGETHER, WHETHER OR NOT THEY ARE ENGAGED, DID YOU FIND ANYTHING OBSCENE OR IRREGULAR IN THE FACT THAT IF THEY WERE NOT MARRIED, THEY STAYED IN SEPARATE ROOMS?

MR. APPLEWHITE: OBJECTION. CALLS FOR A CONCLUSION.

THE COURT: SUSTAIN THE OBJECTION.

Q (BY MR. MUCH) ALL RIGHT. THEN, I WILL ASK YOU, AS COUNSEL DID, AS THE NORMAL THING TO DO, DID YOU THINK IT WAS ABNORMAL, OR FIND IT ABNORMAL FOR TOMMY BERGEN TO STAY IN A SEPARATE ROOM FROM LYNDA IF THEY WEREN'T MARRIED?

A NO, I DIDN'T.

Q NOW, ON THE WAY UP FROM HOUSTON TO NASHVILLE, WHEN TOMMY AND LYNDA WERE IN THE CAR WITH YOU, DID THEY, DID THEY AT ANY TIME HAVE ANY AFFECTIONATE EXCHANGES OR FONDLING OR CARESSING, AND, IF SO, WHAT WAS IT?

MR. APPLEWHITE: YOUR HONOR, I'LL OBJECT TO THIS. IT'S NOT IN THE SCOPE OF CROSS.

THE COURT: I DON'T BELIEVE IT WAS GONE INTO ON CROSS.

MR. MUCH: ALL RIGHT.

Q (BY MR. MUCH) WITH REFERENCE TO THE CUSTOM OF SIGNING ARTISTS' CONTRACTS WITHOUT AUDITIONS, IF SOMEONE WHO IS IN THE BUSINESS RECOMMENDS AN ARTIST, ISN'T IT SOMETIMES THE CASE THAT A PRODUCER LIKE YOURSELF OR LIKE HUEY MEAUX WOULD SIGN AN ARTIST WITHOUT AN AUDITION?

MR. APPLEWHITE: YOUR HONOR, I OBJECT TO THIS SOMETIMES MAY DO SOMETHING.

MR. MUCH: I WAS ASKING ABOUT THE

CUSTOM.

THE COURT: UP, UP.

MR. MUCH: -- THAT HE ASKED ABOUT, YOUR HONOR.

MR. APPLEWHITE: OBJECT TO THE QUESTION.

THE COURT: SUSTAIN THE OBJECTION.

MR. MUCH: NO OTHER QUESTIONS.

RECROSS EXAMINATION

BY MR. APPLEWHITE:

Q ON THESE ROYALTIES YOU RECEIVED FROM THIS ROY HEAD RECORD, THINK A WHILE AND TELL US HOW MUCH MONEY YOU RECEIVED IN 1966.

MR. MUCH: IT SEEMS TO ME THAT'S IRRELEVANT AND IMMATERIAL.

THE COURT: SUSTAIN THE OBJECTION AS TO' 66, TALKING ABOUT '64 AND '65 UP TO OCTOBER.

MR. APPLEWHITE: EXCUSE ME, FOR THE YEAR 1965.

A I DON'T KNOW. ARE YOU TALKING ABOUT FROM THE ONE TALENT OR WHAT, OTHER TALENT?

Q (BY MR. APPLEWHITE) ALL OF THEM, ALL OF THEM. HOW MUCH MONEY DID YOU MAKE IN 1965 FROM YOUR BUSINESS?

A IN 1965, I PRETTY WELL BROKE EVEN, I MEAN, THE EXPENSES

AND STUFF LIKE THAT.

Q HOW MUCH MONEY DID YOU MAKE, APPROXIMATELY, INCOME, YOUR NET INCOME?

A MY INCOME?

Q YES, THAT'S RIGHT.

A I DON'T KNOW.

Q HOW MANY YEARS DID YOU RECEIVE ROYALTIES OFF OF THIS ROY HEAD RECORD?

A THE ROY HEAD RECORD HADN'T CAME YET, I RECEIVED THIS AS AN ADVANCEMENT AGAINST ROYALTIES TO CUT SESSIONS AND, YOU KNOW, TO PRODUCE THEM FOR MR. ROBY.

Q HOW MUCH MONEY WAS THAT?

A TWO THOUSAND DOLLARS.

Q AND THAT IS ALL THE MONEY YOU GOT FROM THAT RECORD?

A THAT'S ALL THE MONEY I GOT FROM THAT RECORD, THAT PARTICULAR RECORD, AND THEN, WE PRODUCED THE NEXT RECORD LATER ON. IT WAS TEEN AGE LETTER WAS THE RECORD.

MR. APPLEWHITE: THAT'S ALL WE HAVE, YOUR HONOR.

MR. MUCH: NO FURTHER QUESTIONS.

THE COURT: STAND ASIDE, MR. BOOTH. CALL YOUR NEXT WITNESS.

MR. MUCH: MR. RUSSELL REGAN. I BELIEVE HE WAS SWORN YESTERDAY, YOUR

HONOR, THAT'S RIGHT, ISN'T IT?

MR. REGAN: YES, SIR.

THE COURT: GO RIGHT AHEAD.

RUSS REGAN,

CALLED AS A WITNESS ON BEHALF OF THE DEFENDANT, HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS IN ANSWER TO QUESTIONS PROPOUNDED TO HIM BY COUNSEL:

DIRECT EXAMINATION

BY MR. MUCH:

Q WHAT IS YOUR CORRECT NAME, PLEASE?

A MY CORRECT LEGAL NAME, SIR, IS HAROLD RUSTIGIAN, R-U-S-T-I-G-I-A-N.

Q AND ARE YOU LIKEWISE KNOWN IN THE BUSINESS WORLD IN WHICH YOU MOVE BY OTHER NAMES?

A RUSS REGAN.

Q AND YOU SPELL IT R-U-S-S?

A R-E-G-A-N.

Q AND YOU WERE SUBPOENAED TO APPEAR IN THIS CASE?

A YES, SIR.

Q BY WHAT NAME?

A RUSS REGAN.

Q AND THAT WAS A GOVERNMENT SUBPOENA SERVED ON YOU?

A YES, SIR.

Q IN CALIFORNIA?

A YES, SIR.

Q YOU, OF COURSE, KNOW HUEY MEAUX, DON'T YOU?

A YES, SIR.

Q YOU KNOW OR HAVE MET CHARLIE BOOTH?

A YES, SIR.

Q YOU KNOW PETER GARRIS?

A YES, I DO.

Q HAVE YOU EVER MET OR DO YOU KNOW A PERSON NAMED TOMMY BERGEN?

A YES, I DO.

Q DO YOU KNOW, OR DID YOU EVER MEET A GIRL NAMED LYNDA PUCKETT?

A YES, I DID.

Q BY WHAT NAME DID YOU MEET HER?

A I JUST MET HER AS LYNDA.

Q DID YOU EVER HEAR THE NAME LYNDA ELLIS USED AROUND YOU?

A I MAY HAVE, SIR, BUT I DON'T REMEMBER THE LAST NAME.

Q YOU WENT TO THE CONVENTION OF THE COUNTRY MUSIC ASSOCIATION IN NASHVILLE IN 1965?

A YES, I DID.

Q DO YOU REMEMBER WHEN YOU ARRIVED, APPROXIMATELY?

A I'M NOT DEFINITELY SURE OF THE TIME.

Q ALL RIGHT, SIR. DO YOU REMEMBER AT THE TIME THAT YOU ARRIVED WHETHER OR NOT YOU ENCOUNTERED ANY OF THE PEOPLE I HAVE TALKED ABOUT AT THE ENTRANCE TO THE MOTEL WHEN YOU ARRIVED?

MR. APPLEWHITE: YOUR HONOR, I OBJECT

TO LEADING.

MR. MUCH: ANY OF THEM, I SAID.

THE COURT: OVERRULED, GO AHEAD.

A YES, I DID.

Q WHICH ONES?

A I MET CHARLIE BOOTH AND LYNDA.

Q AT THAT TIME, DO YOU KNOW WHETHER OR NOT THEY WERE TAKING BAGGAGE IN THE HOTEL OR LEAVING THE HOTEL OR WHAT THEY WERE DOING?

A THEY WERE LEAVING THE HOTEL.

Q AND YOU MET THEM THEN JUST OUTSIDE THE DOOR?

A YES, SIR.

Q WHAT OCCURRED?

A I WAS JUST INTRODUCED TO HER.

Q BY WHOM TO WHOM?

A CHARLIE INTRODUCED ME TO HER.

Q HAVE YOU SEEN THIS LYNDA HERE IN COURT OR IN THE COURTHOUSE SINCE YOU HAVE BEEN HERE YESTERDAY MORNING?

A YES, I HAVE.

Q AND, AT THE TIME THAT YOU WERE INTRODUCED, WHAT CONVERSATION, IF ANY, TOOK PLACE?

A IT WAS JUST, "HELLO, HOW ARE YOU?"

Q NOW, YOU ARE, YOURSELF, ENGAGED IN THE MUSIC WORLDS, ARE YOU NOT?

A YES, I AM.

Q BY WHOM WERE YOU EMPLOYED IN 1965 IN OCTOBER?

A I WAS EMPLOYED BY THE WARNER BROTHERS RECORDING COMPANY.

Q AND EXACTLY WHAT IS IT THAT YOU DID AT THAT TIME IN CONNECTION WITH THAT WORK?

A I HAD BEEN WITH THE WARNER BROTHERS RECORDING COMPANY APPROXIMATELY TWO WEEKS AT THE TIME AND I WAS IN CHARGE OF A DIVISION THERE, A NEW DIVISION CALLED LOMA RECORDS, L-O-M-A. IT WAS A SUBSIDIARY OF WARNER BROTHERS.

Q HAD YOU PREVIOUSLY BEEN IN SOME OTHER SIMILAR CAPACITY WITH SOME OTHER COMPANY BEFORE THAT?

A I WAS A LOCAL DISTRIBUTION MAN FOR RECORD MERCHANDISING IN SOUTHERN CALIFORNIA.

Q DID YOU GO TO THE CONVENTION IN MIAMI IN 1965, EARLIER?

A I DON'T BELIEVE I DID, SIR, NO.

Q DID YOU GO TO ANY CONVENTIONS IN HOUSTON IN THE MUSIC BUSINESS IN 1965?

A YES, I DID.

Q WAS THAT PRIOR TO OCTOBER OF '65?

A YES, IT WAS.

Q DID YOU MEET EITHER HUEY MEAUX OR CHARLIE BOOTH OR ANY OF THE OTHER PERSONS I HAVE ASKED YOU ABOUT AT THAT CONVENTION?

A I JUST MET CHARLIE AND HUEY THERE.

Q WAS THAT YOUR FIRST TIME TO KNOW CHARLIE BOOTH?

A IT WAS MY SECOND MEETING WITH CHARLIE. IT WAS MY FIRST MEETING WITH HUEY.

Q ALL RIGHT. AND IF I UNDERSTAND YOU CORRECTLY, YOU ARE NOT SURE OF THE EXACT DAY OF THE WEEK THAT YOU ARRIVED IN OCTOBER OF 1965 IN NASHVILLE?

A I BELIEVE IT WAS THE OPENING DAY OF THE CONVENTION. I DON'T KNOW THE EXACT --

Q IF IT TURNED OUT THAT THAT WAS THE 19TH, WOULD THAT HAVE BEEN THE DATE?

A IF THAT WAS THE DAY, THAT WAS THE DAY I WAS THERE, I BELIEVE IT WAS THE OPENING DAY.

Q AND DID YOU SUBSEQUENTLY SEE OR HAVE ANYTHING MORE TO DO WITH CHARLIE BOOTH AFTER THAT ENCOUNTER IN THE LOBBY?

A NO, I DIDN'T.

Q DID YOU SUBSEQUENTLY SEE HUEY MEAUX AT THE CONVENTION?

A YES, I DID.

Q AND WHERE DID YOU MEET HIM, ON WHAT OCCASION?

A I MET HUEY AROUND THE LOBBY, WENT TO HIS ROOM.

Q ALL RIGHT. DID YOU GO TO ANY AFFAIRS, CONVENTION AFFAIRS OR BANQUETS OR THAT SORT OF THING?

A YES, I DID. I WENT TO THE C.M.A. BANQUET.

Q ON THOSE OCCASIONS, DID YOU MEET EITHER MR. GARRETT OR MR. HUEY MEAUX AT THOSE PLACES?

A I DON'T BELIEVE I SAW THEM THERE, NO, SIR.

Q IT'S A BIG AFFAIR, WAS IT?

A YES, IT WAS. IT WAS A BIG CONVENTION.

Q NOW, WHEN DID YOU NEXT SEE LYNDA WHATEVER HER NAME WAS, PUCKETT OR --

A I ACTUALLY SAW HER WHEN I FIRST WAS TALKING TO MR. APPLEWHITE THAT, I THOUGHT IT WAS EITHER THE FIRST OR SECOND DAY THAT I WAS THERE, BUT I BELIEVE IT WAS THE FIRST DAY THAT I ENCOUNTERED HER AGAIN.

Q AGAIN, AND WHERE WAS THAT?

A IN THE LOBBY OF THE CAPITOL PARK INN.

Q ON THAT OCCASION, DID YOU ENGAGE HER IN CONVERSATION?

A YES, I DID.

Q DO YOU RECALL WHAT YOU TALKED ABOUT?

A WELL, SHE HAPPENED TO BE A BEACH BOYS' FAN.

Q WHAT ARE BEACH BOYS?

A THE BEACH BOYS ARE A RECORDING GROUP.

Q DID YOU HAVE SOMETHING TO DO WITH THEM?

A WELL, I ACTUALLY JUST NAMED THEM AND I'M VERY CLOSE FRIENDS WITH THEM.

Q AND YOU DISCUSSED THAT GROUP, OR WHATEVER THEY ARE?

A YES, RIGHT.

Q -- THAT TOOK PLACE WHERE, THAT DISCUSSION?

A INITIALLY, IT WAS IN THE LOBBY, AND LATER ON IT CONTINUED IN MY ROOM.

Q DID YOU TAKE HER TO YOUR ROOM?

A YES, I DID.

Q WHERE WAS YOUR ROOM?

A I BELIEVE IT WAS ON, AT FIRST, I DIDN'T REMEMBER, BUT I THINK, I BELIEVE IT WAS ON THE SECOND FLOOR.

Q IN THE CAPITOL PARK INN?

A YES, SIR.

Q AND DID YOU HAVE ANYTHING TO EAT OR DRINK THERE?

A I COULDN'T REMEMBER WHETHER IT WAS HAMBURGERS OR CLUB SANDWICHES AT THE TIME, BUT I BELIEVE I ORDERED SOME CLUB SANDWICHES.

Q ALL RIGHT. DID YOU SERVE ANYTHING TO DRINK OF AN ALCOHOLIC NATURE?

A NO, SIR.

Q HOW DID YOU INVITE HER TO YOUR ROOM, OR HOW WAS IT THAT IN YOUR CONVERSATION YOU DECIDED --

A WELL, INITIALLY, WE WERE GOING TO THE COFFEE SHOP, AND THEN, THE COFFEE SHOP WAS PRETTY FULL AND WE DECIDED TO GO TO MY ROOM AND HAVE SOMETHING TO EAT THERE INSTEAD.

Q AND CONTINUE YOUR CONVERSATION?

A YES, SIR.

Q DID YOU CONTINUE YOUR CONVERSATION?

A WE SURE DID.

Q HOW LONG?

A OH, I WOULDN'T SAY IT WAS OVER HALF AN HOUR.

Q AFTER THE CONVERSATION ENDED IN THAT HALF AN HOUR, DID SHE LEAVE OR DID YOU LEAVE?

A SHE LEFT, SIR.

Q DID ANYONE ACCOMPANY YOU TO THE ROOM?

A NO, SIR.

Q DID ANYONE COME TO THE ROOM WHILE YOU WERE THERE?

A NO, SIR.

Q DID YOU ENGAGE IN SEXUAL INTERCOURSE WITH HER WHILE YOU WERE THERE?

A NO, SIR.

Q OR WHILE SHE WAS THERE?

A NO, SIR.

Q AT ANY TIME DURING THE CONVENTION, DID YOU HAVE ANY SEXUAL INTIMACIES WITH LYNDA OTHER THAN WHEN SHE WAS IN YOUR ROOM THAT TIME?

A NO, SIR.

Q ON ANY OTHER OCCASIONS, DID ANYBODY EVER BRING HER TO YOUR ROOM OR TO ANY OTHER ROOM WHERE YOU WERE?

A NOT TO MY ROOM, I MIGHT HAVE SEEN HER AROUND THE LOBBY AND STUFF LIKE THAT.

Q THAT KIND OF ROOM?

A WHAT IS THAT,SIR?

Q A PUBLIC ROOM?

A YES, SIR.

Q DID ANYBODY AT ANY TIME DURING THAT CONVENTION BRING

HER TO ANY OTHER PRIVATE ROOM OR BEDROOM OR HOTEL ROOM IN THE SENSE OF A RESIDENCE IN A HOTEL WHEN YOU WERE THERE?

A NOT THAT I RECALL, SIR.

Q ALL RIGHT. NOW, YOU ARE A HEALTHY, NORMAL, MALE, ARE YOU NOT, MOST OF THE TIME?

A YES, I AM.

Q AND YOU LIKE WOMEN, DO YOU NOT?

A YES, I DO.

Q WILL YOU TELL ME WHY YOU DID NOT HAVE SEXUAL INTERCOURSE WITH HER, IF YOU HAD THE OPPORTUNITY?

A I EXPLAINED TO MR. APPLEWHITE THAT I WAS SUFFERING FROM ACUTE PROSTATITIS AT THE TIME AND I HAD A DOCTOR'S CERTIFICATE THAT I BROUGHT WITH ME TO SHOW TO MR. APPLEWHITE THAT I WAS TOLD TO SUBSTAIN -- ABSTAIN FROM SEXUAL INTERCOURSE WITH ANYONE.

Q DID YOU ABSTAIN?

A YES, I DID.

Q BY THE WAY, YOU WERE SUBPOENAED BY THE GOVERNMENT TO COME TO HOUSTON LAST FALL AND DID COME, DID YOU NOT, TO TESTIFY BEFORE THE GRAND JURY?

A I CERTAINLY DID.

Q AND YOU GAVE YOUR TESTIMONY TO THE GRAND JURY, UNDER OATH?

A YES, I DID.

Q AND YOU WERE LIKEWISE INTERVIEWED BY THE UNITED STATES ATTORNEY OR SOME MEMBER, REPRESENTATIVE OF IT LIKE MR. APPLEWHITE?

A I WAS WHAT?

Q YOU WERE INTERVIEWED BY ONE OF THE MEMBERS OF THE UNITED STATES DISTRICT ATTORNEY'S OFFICE, MR. APPLEWHITE, OR SOME OTHER MEMBER?

A YES, I WAS.

Q AND YOU TOLD THEM WHAT YOU HAVE TOLD ME, DIDN'T YOU?

A I CERTAINLY DID, SIR.

Q NOW, TO BE VERY SPECIFIC, DID PETE GARRIS EVER BRING LYNDA PUCKETT OR LYNDA ELLIS TO YOUR ROOM OR ANY ROOM IN WHICH YOU WERE AT ANY TIME?

A NOT THAT I RECALL, SIR.

Q DID EITHER PETE GARRIS OR HUEY MEAUX OR CHARLES BOOTH OR TOMMY BERGEN SUGGEST TO YOU OR INVITE YOU TO HAVE SEXUAL FAVORS OR ANY SEXUAL INTIMACIES WITH LYNDA PUCKETT DURING YOUR VISIT IN NASHVILLE?

A NO, SIR.

Q YOU WOULD REMEMBER THAT IF IT HAPPENED, WOULDN'T YOU?

A YES, I WOULD.

Q WHEN YOU WERE ASKED ABOUT THAT BY MR. APPLEWHITE, YOU TOLD HIM, DID YOU NOT, THAT YOU DIDN'T NEED ANYBODY TO MAKE ARRANGEMENTS FOR YOU, THAT YOU WERE A MAN AND COULD MAKE YOUR OWN?

A THAT'S CORRECT, SIR, I AM.

Q AND IS THAT WHAT YOU TOLD HIM?

A YES, I DID.

MR. APPLEWHITE: YOUR HONOR, TALKING ABOUT TELLING ME, I THINK HE TOLD THE GRAND JURY. I THINK WE OUGHT TO GET THAT CLEARED UP.

MR. MUCH: I'M SPEAKING ABOUT BOTH AND DIRECTING MY QUESTIONS ABOUT BOTH, OF COURSE.

Q (BY MR. MUCH) NOW, YOU DIDN'T HAVE A LOT TO DO, OR DID YOU, WITH HUEY MEAUX AND PETER GARRIS AT THAT CONVENTION WITH ALL THAT WAS GOING ON?

A NO, I WAS THERE ON WARNER BROTHERS' BUSINESS. I EXPLAINED TO THE GRAND JURY THAT I WAS NOT THERE FOR FUN AND GAMES.

Q DID SHE TELL YOU WHILE YOU INTERVIEWED HER OR HAD A CONVERSATION WITH HER WHY SHE WAS THERE?

A SHE TOLD ME THAT SHE WAS A SENIOR AT SOME UNIVERSITY HERE IN HOUSTON AND I DON'T RECALL HER SAYING ANY PARTICULAR REASON WHY SHE WAS THERE.

Q DID SHE TELL YOU THAT SHE WAS A SINGER AND HOPED TO GET INTO THE BUSINESS?

A I DON'T RECALL HER SAYING THAT, EITHER.

Q DID SHE TELL YOU WHETHER OR NOT SHE HAD ALREADY GOTTEN

A CONTRACT FROM ANY PRODUCER?

A NO, SIR.

MR. MUCH: I PASS THE WITNESS.

CROSS EXAMINATION

BY MR. APPLEWHITE:

Q WHO DID YOU GO TO NASHVILLE WITH?

A I WENT WITH DANNY DAVIS, NEAL GALLIGAN AND BILL DRAKE, SIR.

Q YOU KNOW BILL DRAKE PERSONALLY, DO YOU NOT?

A YES, I DO.

Q AND WHAT DOES HE DO FOR A LIVING?

A HE IS A DIRECTOR OF PROGRAMMING FOR FOUR RADIO STATIONS.

Q IS HE IN A POSITION TO BUY TAPES FROM RECORD PRODUCERS FROM TIME TO TIME?

A NO, SIR, HE ISN'T.

Q IS HE IN A POSITION TO PLAY RECORDS THAT ARE MADE AND PRODUCED?

A WELL, THAT IS THE BUSINESS HE IS IN, TO PLAY RECORDS. YES, SIR.

Q AND YOU WERE IN THE BUSINESS AT THAT TIME OF BUYING CERTAIN RECORDS FROM RECORD PRODUCERS, WERE YOU NOT?

A WELL, MR APPLEWHITE --

Q PLEASE, SIR, JUST ANSWER THE QUESTION.

A I WAS IN A POSITION TO BUY RECORDS WITH THE APPROVAL

OF MY SUPERIOR BOSSES.

Q SO, THE ANSWER TO THE QUESTION IS YES?

A YES, SIR.

Q ALL RIGHT. AND YOU HAD BOUGHT RECORDS OR TAPES FROM HUEY MEAUX ON PRIOR OCCASIONS, HAD YOU NOT?

A NO, I HAD NOT.

Q YOU NEVER HAD BOUGHT ANY TAPES FROM HUEY MEAUX OR CHARLIE BOOTH?

A I HAVE NEVER DONE BUSINESS WITH HUEY, I MEAN, CHARLIE, I HAD BOUGHT, I BOUGHT ONE MASTER FROM HUEY MEAUX.

Q WHAT IS A MASTER?

A THAT IS A RECORDING.

Q IT'S A TAPE, ISN'T IT -- IS IT NOT?

A WELL, IT'S A TAPE THAT IS CONVERTED INTO A 45.

Q IS IT A TAPE OR NOT?

A IT'S A TAPE, IT'S CONVERTED INTO A RECORD.

Q THAT'S ALL I WANTED TO KNOW.

A YES, SIR.

Q SO, YOU HAD BOUGHT OR DONE SOME BUSINESS WITH HUEY MEAUX BEFORE YOU WENT TO THIS CONVENTION?

A NOT PRIOR TO THE CONVENTION, NO, SIR.

Q THIS WAS AT THE CONVENTION?

A YES, SIR.

Q ALL RIGHT. YOU HAD MET HUEY BEFORE?

A ON ONE OCCASION.

Q AT A CONVENTION?

A WHEN I WAS HERE AT THE CONVENTION FOR THE RHYTHM AND BLUES CONVENTION AT THE RICE HOTEL.

Q AND WHERE HAD YOU MET CHARLIE BOOTH BEFORE?

A I MET CHARLIE CASUALLY ONE TIME, I BELIEVE, AND I'M NOT CLEAR ON THIS DATE, WHETHER IT WAS '63 OR -- '62 OR '63, IN MIAMI, FLORIDA.

Q ALL RIGHT. NOW, I BELIEVE YOU SAID YOU KNEW PETER GARRIS PRIOR TO THE TRIP TO NASHVILLE?

A YES, I DID.

Q BUT NOW YOUR TESTIMONY IS THAT YOU NEVER SAW PETER GARRIS WHILE YOU WERE THERE?

A I DIDN'T SEE HIM AT THE C.M.A CONVENTION, I MEAN, AT THE C.M.A. DINNER.

Q BUT, YOU DID SEE HIM WHILE YOU WERE IN NASHVILLE?

A OH, YES.

Q ALL RIGHT. NOW, DO YOU KNOW IF BILL DRAKE HAD RELATIONS WITH LYNDA WHILE SHE WAS IN NASHVILLE?

MR. MUCH: I OBJECT TO THAT, UNLESS HE WAS ACTUALLY PRESENT, OTHERWISE, IT WOULD BE CALLING FOR HEARSAY.

THE COURT: THAT'S RIGHT.

Q (BY MR. APPLEWHITE) WERE YOU ACTUALLY PRESENT WHEN THIS TOOK PLACE?

A NO, SIR.

Q IN THE SAME ROOM?

A TOOK PLACE; WHAT TOOK PLACE?

Q WHEN BILL DRAKE HAD SEXUAL RELATIONS WITH LYNDA PUCKETT?

A I DIDN'T KNOW THAT BILL DRAKE HAD SUCH RELATIONS WITH HER.

Q HE NEVER MENTIONED IT TO YOU?

MR. MUCH: I OBJECT TO THAT AS CALLING FOR HEARSAY.

THE COURT: SUSTAINED.

Q (BY MR. APPLEWHITE) DID YOU LATER SEE LYNDA PUCKETT, A WEEK LATER AFTER YOU WENT TO NASHVILLE IN THE PRESENCE OF BILL DRAKE?

A YES, I DID.

Q DO YOU KNOW HOW LYNDA GOT TO CALIFORNIA?

MR. MUCH: OBJECT TO THAT. AGAIN, IT WOULD BE CALLING FOR HEARSAY.

THE COURT: SUSTAIN THE OBJECTION.

Q (BY MR. APPLEWHITE) WHO WAS LYNDA WITH WHEN YOU SAW HER IN CALIFORNIA?

A SHE WAS WITH BILL DRAKE AND A GIRL NAMED ARLENE AND JUST THE TWO OF THEM.

Q DO YOU KNOW OF YOUR OWN KNOWLEDGE HOW LYNDA GOT TO CALIFORNIA, OF YOUR OWN KNOWLEDGE?

MR. MUCH: OBJECT, AGAIN, BECAUSE HE IS

TALKING ABOUT A TRANSACTION THAT TOOK PLACE AFTER NASHVILLE, ANYWAY.

THE COURT: I SUSTAIN THE OBJECTION.

Q (BY MR. APPLEWHITE) DID YOU LATER BUY ANY RECORDS FROM CHARLIE BOOTH AFTER THE NASHVILLE TRIP?

A NO, SIR.

Q ANY TAPES?

A NO, SIR.

Q DID CHARLIE BOOTH CONTACT YOU LATER AFTER THE TRIP WITH REGARD TO YOU PURCHASING SOME TAPES OR RECORDS FROM HIM?

A I BELIEVE HE SUBMITTED ONE MASTER TO ME THAT I REFUSED, THAT I TURNED DOWN.

Q HAD YOU LEARNED THAT HE HAD BEEN INDICTED AT THAT TIME?

A NO.

Q WHEN WAS THIS?

THE COURT: I BELIEVE THIS IS ENOUGH FOR ONE DAY, TOMORROW MORNING AT 9:30.

THE WITNESS: -- IT WAS --

THE COURT: WAIT JUST A MINUTE, STOP.

THE WITNESS: I'M SORRY, SIR.

THE COURT: 9:30 IN THE MORNING, GENTLEMEN.

SAME INSTRUCTION ABOUT NOT TALKING,

LISTENING, OR HEARING OR GETTING ANY OTHER INFORMATION ABOUT THIS LAWSUIT EXCEPT HERE IN THIS COURTROOM. GOOD NIGHT.

(RECESS)